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LECTURES ON
MORAL PHILOSOPHY

JOHN WITHERSPOON, D.D., LL.D.

[From the painting by Charles Wilson Peale]

EARLY AMERICAN PHILOSOPHERS

LECTURES ON MORAL PHILOSOPHY

BY

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Edited under the Auspices of
The American Philosophical Association

BY

VARNUM LANSING COLLINS

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PREFATORY NOTE

As this book is the first of a proposed series of reprints of works of early American philosophers, a word may be said as to the general plan of which it forms a part.

Projected by the American Philosophical Association, the series is to be published under the Association's auspices by the institutions with which the authors of the works chosen were more particularly affiliated. Thus, this volume bears the imprint of the Princeton University Press; and it is hoped to issue in due course, at Columbia University President Johnson's "Elements of Philosophy", at Harvard University the Dudleian "Lectures on Natural Religion", at Yale University selections from the philosophical writings of the elder Jonathan Edwards, and elsewhere other works of similar character, representative of the deeper currents of American thinking in the early period. Much of this thinking is at least respectable, and some of it significant and important; but knowledge and appreciation of it seem at the present day to be remarkably lacking. The aim then of this series is to develop a consciousness of the historical background of our native American philosophy, especially among those who, as teachers and students of philosophy, are heirs of the tradition, and therefore should also be its keepers.

Sprung from stock that was largely ecclesiastical John Witherspoon was destined for the church before he had learned his letters. A precocious boy, with gifts carefully fostered in the sober atmosphere of his father's manse, he was able to read his Bible at the age of four, and, after a grammar school preparation, to matriculate at Edinburgh University in February 1736—a few days after his thirteenth birthday. Here he spent the next seven years of his life, receiving his degree in 1739, and his licensure in 1743. He had been occupying his first charge, that of Beith in Ayrshire, barely half a year when he proved that he was already one of those men whose eager sympathies and quick enthusiasms will never let their lives be hedged in by the mere offices they happen to be filling. For, soon after the outbreak of the Rebellion of 1745, he raised a company of volunteers and marched away to aid in repelling the Young Pretender's invasion. The company was disbanded before it saw any active service, but its fledgling leader was not to be completely thwarted. In his veins was racing an atavistic strain of fighting blood, the blood of ancestors who bore the wooden "spon" or spear, whence came the family name. And at the battle of Falkirk accordingly, accompanied by his faithful beadle, he appeared as a spectator. But he lingered too long; the beadle had neglected to divest himself of his weapons; and when the day was done the worthy pair, protesting stoutly but in vain, found themselves swept up by the Pretender's forces and held as prisoners of war. Mr. Witherspoon's experiences at Castle Doune, where he was confined, were such that he never fully recovered his health. His next appearance at a scene of conflict was to

be on the less perilous but not less exciting floor of the General Assembly; and there not as a spectator.

The Scottish Church at this period was in the midst of a struggle between two parties known as the Moderate and the Popular. Moderatism voiced the new spirit of the age, the new element of liberalism permeating the Church. It was, moreover, as Scottish historians have pointed out, an ecclesiastical policy whose chief feature was the absolute enforcement of the aristocratic law of patronage, whereby in practical disregard of parishioners concerned, church livings were at the disposal of patrons. The Popular party, on the other hand, was the conservative and strictly orthodox party. It earnestly combatted the decline of personal religion and the relaxation of the old standards of faith and conduct, which it claimed were results of the rising tide of liberalism; and it opposed strenuously the undemocratic features of the patronage law. With this party Mr. Witherspoon identified himself, and speedily became its leading champion. All of his early publications owe their inception to this struggle, his anonymous "Ecclesiastical Characteristics" (1753), a biting satire on the Moderates, being the best known and passing through several editions, although his "Essay on Justification" (1756), his "Serious Enquiry into the Stage" (1757), directly inspired by the famous "Douglas" controversy, and a group of doctrinal sermons printed in 1758 and republished in a three volume edition in 1764, with an important additional "Essay on Regeneration", savored more of his calling and won for him reputation as a dauntless defender of personal piety and simple evangelical truth.

Mr. Witherspoon remained at Beith 12 years and then was called to the growing manufacturing town of Paisley where he stayed until his transatlantic move, refusing during this period calls to Rotterdam and to Dublin and not being permitted by the General Assembly to accept one from Dundee. His twenty years of Scottish ministry were years of aggressive give and take, years of devoted service to his people, years of intellectual ripening; but they may not detain us here. It must suffice to say that his rank in the church became firmly established even though he was on the losing side of the fight against Moderatism. St. Andrews conferred on him the honorary degree of Doctor of Divinity; his essays and sermons were reviewed in London and Edinburgh as often as they appeared; they were translated into Dutch; his reputation crossed the Atlantic; and when in 1766 the presidency of the College of New Jersey at Princeton became vacant he received a unanimous invitation from the Trustees of the college to fill the place. Unwillingly declining the call at first, and then finding it his duty to accept when it was repeated, he reached America in August 1768.

It has been alleged that Doctor Witherspoon left Scotland only too gladly, because of a lawsuit and the hot activity of ecclesiastical opponents. But consideration of the documents and of his own words and character makes it perfectly clear that he crossed the ocean in no sense a fugitive, but solely because he could not ignore what he believed to be a distinct and imperative call to greater usefulness; it was a vision whose beckoning he could not disobey. He left Scotland reluctantly; and American though he became, he never forgot the land of his birth, the land

where his early associations clung, where his old parishioners dwelt, and where his forefathers and his parents and two of his little children were sleeping in quiet low-walled churchyards.

In electing this Scotsman the Trustees of Princeton chose better than they knew. The college, direly in need of a broad-minded, strong guide, at once responded to the call of his vigorous presence. He was in his prime; a new life in a new world lay before him; and he faced his untried task with all the enthusiasm and energy that had marked his Scottish career. Promptly taking into his hands a situation intrinsically difficult, and one which church politics had made delicate, he revealed a grasp of its possibilities unexpected of one who was not only a stranger in the country but who confessedly lacked all experience in academic administration. For this lack he atoned partly by remarkable powers of adaptability, but chiefly by the sheer force of a personality that was gifted with rare good sense and seasoned with the ever-saving salt of humor. While he fully sympathised with the attitude that chose to consider Princeton a "school of prophets" wherein young men were to be prepared for the colonial ministry, he increased the potentiality of the institution by making plain his further belief that the duty of any college, and especially of this one, was to prepare its students to fill not only sacred but also secular positions of colonial leadership. Beginning with the grammar school in the college he at once introduced the latest European methods; and then by degrees he broadened and strengthened the curriculum of the college itself in historical, literary, and scientific lines, and he made special effort to attract

men back for graduate study. The Revolutionary War paralysed the finances of the institution and shattered all his plans; but the prominence of his graduates in the Revolutionary and formative periods of American life, in the early educational history of the South and Southwest and in the post-Revolutionary history of the church in America is eloquent testimony to his energising influence.

And while he was thus infusing new blood into the college he was himself assimilating a host of new impressions gained on the frequent tours he at once began to make up and down the colonies to secure funds and to win pupils. There is nothing in his writings to indicate that he had any very definite opinions on American political affairs before he came to this country. But he did not take long to form them. He subsequently declared that one would become an American more easily by living in America three months than by reading about it three years. His own metamorphosis began early and is not difficult to trace in the essays and sermons of his American period; and he made no secret of that metamorphosis. When the Continental Congress was called to meet at Philadelphia in September 1774, he represented his county at the New Jersey Convention for the election of delegates to that Congress; and when the Congress met, although not a member, he identified himself conspicuously with the progressive party.

Already occupying in American Presbyterianism a position commensurate with the reputation he had brought with him from Scotland, when the Synod of New York and Philadelphia found itself compelled in 1775 to take official notice of approaching warfare, he was appointed

chairman of the committee that drew up at the Synod's behest the Pastoral Letter to the congregations within its bounds, a document which came from his pen and which has remained one of the most striking utterances of the period.

He had seen early the inevitability of independence; single-handed he had boldly made the first public effort to quicken the pulse of New Jersey on this the supreme question of the hour, and he had borne his share of the labor of identifying the colony with the party advocating independence. Elected a member of the Committee of Correspondence of Somerset County, New Jersey, he became its chairman, and in the following year (1776) was elected to the New Jersey Provincial Congress, where he played a prominent part not only in unseating British rule in the colony, but also in the dramatic deposition of William Franklin, New Jersey's last royal governor. Small wonder is it then that the Provincial Congress at this juncture, well aware that the question of independence was before the Continental Congress for final settlement, elected him (June 1776) one of its five representatives in the senior body, with definite instructions to vote for independence. He arrived at Philadelphia in time to witness the passage of the resolution of independence and of the declaration of that independence; and he signed the engrossed Declaration in the following August. In Congress he remained through 1782 with but one break, the year 1780.

The full story of President Witherspoon's Congressional service has yet to be written. His British birth and training, his engaging personality, the position of intel-

lectual leadership that the presidency of the College of New Jersey gave him, his ecclesiastical eminence, the publicity that had clung to his name ever since his arrival on American shores, the tempered earnestness and calm maturity of his views, all helped to win for him respectful hearing even if those views were sometimes unpopular. How he was regarded in general by his colleagues may be estimated by the fact that scarcely a month passed during the six years of his service without his being appointed to some fresh special committee. In addition, he served on three important standing committees, the Committee on Clothing for the troops, the Board of War, and the Committee on Secret Correspondence. Moreover, in committee work of the more humanitarian sort his breadth of view and his sense of equity were constantly enlisted, as for instance in the investigation of the physical condition of the troops and the treatment of prisoners, in proposals looking toward a humaner conduct of the war, and in the adjustment of controversies like that over the hospital service, or of graver crises like the mutiny of 1781; and when Congress concerned itself with less secular things his holy calling usually led to his selection as spokesman, and thus it was that many, if not most, of the proclamations of Congress for thanksgivings, fast-days, and days of prayer, were written by him.

As soon as he entered Congress he declared his disapproval of the expensive system of supplying the army by commission and he did not rest until he had contrived to have a contract system substituted. He earnestly opposed each succeeding emission of paper money, and it is

said hazarded his popularity by the strenuousness of his opposition. His speeches in Congress on financial matters formed the basis of his "Essay on Money" a volume prepared and published (1786) at the urgent request, so we are told, of the very group of men who had been his strongest opponents in Congress, but who had lived to see the error of their ways revealed by the financial chaos in which the Confederation found itself speedily involved—a chaos which he had predicted in unmistakable terms. He criticised the system of requisition on the states to meet national necessities, and he had no patience with the inefficiency of the method for collecting the state quotas. He was fearless in his criticism and was hardly willing to wait for time, the great justifier, to bring about the adoption of his views.

Profiting by past contact with a wider world than that of most of his colleagues, and fresh from a reading of the latest authorities on history and political science, reading he had been compelled to do in preparation for his college lectures, he had perhaps given riper and more recent attention to those subjects than the majority of Congressmen; and in addition to this theoretical study he had seen service in practical politics. But he did not confine to the floor of Congress his expressions of seasonable advice. His first group of "Druid" essays in the Pennsylvania Magazine, for example, were in reality timely popularising discussions of very pertinent phases of what men call international law.

In the Confederation as constituted he had but little faith; he deplored the petty jealousies that would not permit the states to give Congress adequate authority; he in-

sisted that the control of foreign commerce, for instance, and of the revenue derived therefrom should lie with Congress; he constantly pleaded for a stronger central government, and happily he lived to see his wish fulfilled and to vote at the New Jersey Convention of 1787 for the ratification of the federal Constitution.

But however critical of the Confederation President Witherspoon may have been, no American born and bred could have had greater faith than he in the future of the country. Here was no faint dreamer whose dreams, because of their faintness, could never come true. On the contrary he believed simply, and therefore the more earnestly, that the struggle in which the colonies were engaged was being controlled by the Power that controls all human destinies, that it was a struggle on which was staked not alone the future of the whole western world and the happiness and moral welfare of restless millions yet to come, but that in a far wider sense "the cause of justice, of liberty, and of human nature" was in the balance. Naturally in British circles at home and abroad, and especially in Scotland, he was the subject of scathing denunciation; he was satirised in verse; he was burned in effigy. But he steadfastly refused to see any possible outcome of the struggle other than the one it eventually reached, and his unswerving confidence was a tower of strength in dark hours, and in days of success a spur to braver effort.

Against Great Britain he never harbored any bitterness. "You shall not hear from me", he said in his great Fast-Day sermon of May 1776, "You shall not hear from

me in the pulpit what you have never heard from me in conversation; I mean railing at the King personally, or at his ministers and the parliament and people of Great Britain". At worst they were misguided by deluded or scheming advisers; and although by 1775 he had never a moment of doubt that separation between Great Britain and her colonies was inevitable, one may catch here and there in his words a distinct note of regret that it had to be, a sense of the seeming pity of it all.

And he gave to his adopted country not alone his own service. Scores of young men went out from Princeton filled with his courage, his hopes, his ideals. His three sons served in one capacity or another in the war, and James, the eldest and the most promising, was killed at the battle of Germantown. Surely Doctor Witherspoon's allegiance could not have been more absolute.

While in Congress, he did not relinquish his direction of the college. He attended every meeting of the Board of Trustees and presided at every Commencement, and the newspapers of the day contain his frequent notices of term openings, his plain hints to schoolmasters, his homely advice to parents and students; and every time he felt that he could properly be absent from his seat he rode back to Princeton and his classes.

War had laid heavy hands on the college. Its chief building, Nassau Hall, was ruined in being used as barracks and hospital by British and Americans in turn, and the student body was scattered for some months in the winter of 1776-77. As soon, however, as the enemy left New Jersey the president set about repairing the building and gathering around him once more his undergraduates.

Teaching went bravely on, but it was years before the institution recovered from the material set-back it had received; and however satisfying the moral gain and the prestige it won during his administration, its greatest president never saw the realization of some of his most cherished plans.

On leaving Congress finally in 1782 President Witherspoon had intended to spend the remainder of his days at Tusculum, his estate on the outskirts of Princeton, continuing his college lectures, preaching in his regular turn in the college chapel and presiding on public occasions as the official head, but turning over to his son-in-law, Professor Samuel Stanhope Smith, the laborious details of the management of the institution. But he was not permitted to return to private life. In 1780, the year he was out of Congress, he had been elected to the New Jersey Council or Senate, and in 1783 his county sent him to the State Assembly. His stay was short, for the Trustees of the college, in desperate effort to raise money for repairs and to replace the resources wiped out by the war, had foolishly decided to send him to Great Britain to seek financial aid, an expedition of which he had heartily disapproved and whose only redeeming feature was the opportunity it gave him to visit once more the scenes and friends of former days. In every other respect the trip proved a complete failure.

His greatest and in a sense his only achievement still lay before him. It had become apparent that the Presbyterian Church in America had outgrown its colonial organization and to Doctor Witherspoon's lot it now fell

to direct the framing of the new order. It took four years for the reconstruction to be consummated in the formation of the first General Assembly; and then, as the most conspicuous Presbyterian in the country as well as the guiding spirit through the process of reorganization, he was appointed to preach the opening sermon at the meeting of the first Assembly (May 1789), and to preside as the first moderator. This unquestionably must be considered the climax of his career. For he had been too busy with life to create any visible monument for future fame; rather was his monument to be sought in the characters of his younger contemporaries. He was growing old; he had lived his life as it came, generously, eagerly, completely, a teacher and a maker of men—to the youthful generation an inspiration, to the older a wise counsellor. But he himself had written no great book, had dictated no imperishable state document, had founded no philosophical system; he was scarcely a great scholar; even his political service had been only incidental service, given because it seemed to be the immediate duty of the day. But through all his life's complexity he had never forgotten, nor even slighted, his permanent duty to the church; and had there been any pride of self in his heart he would have felt it on that May morning of his reward. It was characteristic of the man to preach on such an occasion a sermon whose keynote was humility—the same sermon in fact that he had used when he preached for the first time in his Princeton pulpit, twenty-one years earlier.

His last years were clouded by financial embarrassment, by ill health and by the loss of his sight. There are pathetic glimpses in the records of his being led up into his

pulpit,—of his feeling his way along the hall at Tusculum. He died suddenly on November 15, 1794, and he lies in the Presidents' Lot at the Princeton Cemetery.

Genial in company, full of anecdote, rich in experience, and modest in all that concerned himself, he was everywhere a welcome guest. As head of the College he was a firm but discriminating disciplinarian, with a sense of humor and a generous side to his nature—generous not only in temper but in material things—that endeared him to his students. His sincerity was his greatest quality. He seems to have been lacking in aesthetic appreciation; art and poetry and even the beauty and mystery of nature seem to have had but little appeal for him. The so-called accomplishments were in his sight mere wasteful energy, and skill of every kind was reprehensible unless it served some useful end. His point of view was entirely utilitarian. For instance, he would not have flowers in his garden; he was interested only in vegetables and in raising stock; and a fall of rain, when needed by his crops, would set him humming Isaac Watts. But if horticulture was one of his hobbies, another was the purification of the English language as spoken in America, and still another was the encouragement of Scottish immigration, and it was owing to the last that financial difficulty fell upon him.

A heavily built man of medium height, he is nevertheless said to have possessed to a remarkable degree the indefinable quality we call presence. His voice was poor, and he was no orator. Castle Doune had ruined his nervous system and he deliberately schooled himself to the repression of all emotion in public speaking. His reputa-

tion as a speaker—and there were no empty pews when he preached—rested entirely on his simple impressive earnestness, the clarity of his thought, and his excellent style.

It has already been hinted that President Witherspoon was not a creative philosopher; the leisure that reflection postulates had never been his. Nevertheless, to him belongs the distinction of being the first college head in America to set forth in his classroom lectures a definite system of ethics. On his arrival at Princeton he found the tutors and thinking men in college eagerly supporting the idealism of Berkeley, and upon them he mercilessly fell with argument and ridicule until he had driven Berkleianism out of Nassau Hall. In its place he substituted the realism of Thomas Reid and the Scottish common sense school, a philosophy not unknown in Princeton before he came, but which for the next twenty-five years, by lecture and conversation, he was to hammer home and so firmly entrench on the congenial soil of the New World that, in its general features at least, it became not only the traditional philosophy of the Princeton school, but in the opinion of many thinkers pre-eminently the philosophy of America. Of his lectures the printed remains are but an inadequate version, but imperfect though they are, they indicate his place in the history of American thought.

Besides lecturing on Moral Philosophy, which included Jurisprudence and Politics, President Witherspoon taught French and Hebrew, heard recitations in his favorite classical authors, and carried on courses in Divinity, in History, and in Eloquence, a general term which included Oratory and Criticism. No

edition of his lectures appeared during his life-time and he seems to have intended that they should remain unpublished. He certainly did not intend them to be published unrevised, and a year or two before his death he therefore destroyed most of his manuscripts. His lectures on Moral Philosophy and on Eloquence would have disappeared at that time had it not been for undergraduate transcripts. He had written a sort of syllabus of these lectures of which each student was required to make his own copy. These copies were then used as text-books, and their common origin obviously accounts for the similarity of those that are still extant. At recitation the President would amplify the bare statements of his syllabus. He followed the same method in his other courses, but no transcripts have come down. Of the lectures on Moral Philosophy the Library of Princeton University owns three undergraduate copies, made in 1772, 1782, and 1795 respectively. In explanation of the last date it should be stated that the Witherspoon lectures were continued in use after their author's death. A fourth copy is owned by the Presbyterian Historical Society.

They have appeared in the following editions: (1) in the first edition of the "Works" issued by the Woodwards of Philadelphia in 1800; (2) in the second edition of the "Works" published by the same firm in 1802; (3) issued separately first in 1810 by the Woodwards and called "Woodward's Third Edition"; (4) reissued in 1822 by the Woodwards; and (5) and (6) in the two Edinburgh editions of the "Works" put out in 1804-05 and 1815 respectively.

The text here reprinted is that of the first edition

(1800) which has been compared with the 1810 and 1822 reprints and with the three Princeton transcripts. The latter are referred to in the footnotes as A, B, and C, respectively, following their chronological order. To have noted every difference between the manuscripts and the printed versions would have encumbered the pages of this reprint uselessly, and the present editor has therefore endeavored to confine attention to those variants only which seem significant as modifications of opinion, or which alter or restore the sense. Most of the alterations are possibly traceable to changes made by the lecturer from time to time; the rest are clearly due to undergraduate misreadings of the original from which the copies were made, and—if one may say so without impertinence—to lack of editorial sagacity on the part of Doctor Ashbel Green, who prepared the "Works" for the press. There is little other excuse for leaving uncorrected sentences which obvious corruptions had rendered meaningless. Practically the only corrections in later editions are those of the simplest typographical errors.

The best biographical sketches of President Witherspoon are found in Sanderson's "Biographies of the Signers", Sprague's "Annals of the American Pulpit", and Maclean's "History of the College of New Jersey". The Reverend D. J. Woods, in the only life of President Witherspoon that has so far appeared, "John Witherspoon" (1906), adopts the topical method. The Dictionary of National Biography contains an unbiased sketch, though not without errors. A sympathetic chapter on the President's political writings is in Moses Coit Tyler's "Literary History of the American Revolution"; and Pro-

fessor I. Woodbridge Riley, in his "American Philosophy: the Early Schools," has made a definitive study of Witherspoon's influence in giving Scottish realism an abiding home in America. An extended biography is approaching completion by the editor of the present reprint.

The President's portrait was painted by Charles Wilson Peale. A copy is in Independence Hall at Philadelphia, another is owned by Princeton University, and two others are in private possession. The original is believed to be the one reproduced as the frontispiece of this volume, and is owned by President Witherspoon's great-great-grandson, General Alfred A. Woodhull, of Princeton. The remains of Dr. Witherspoon's library, and what is believed to be the most complete set of his published writings, are in the Library of Princeton University. Inasmuch as this reprint of the "Moral Philosophy" does not seem to be the place for a complete bibliography of its author's writings, a chronological check-list only has been prepared, and will be found on a subsequent page.

In conclusion, the editor would acknowledge his indebtedness to Professor H. N. Gardiner, of Smith College, and to Professor I. Woodbridge Riley, of Vassar College, for their cordial interest and helpful suggestions in the preparation of this volume, and to General Alfred A. Woodhull, of Princeton, for his courteous permission to use as a frontispiece his copy of the Peale portrait of his distinguished ancestor.

Princeton, N. J., February, 1912. *V. L. C.*

CHECK LIST OF THE PUBLISHED WRITINGS OF PRESIDENT WITHERSPOON

1. Disputatio philosophica [De mentis immortalitate]. Edinburgh, 1739.
2. Answers to the reasons of dissent from the sentence of the reverend Commission of the General Assembly. Edinburgh, 1752.
3. Ecclesiastical characteristics. Glasgow, 1753.
   2d edition, Glasgow, 1754; 3d edition, Glasgow, 1754; 4th edition, Glasgow, 1755; 5th edition, Edinburgh, 1763; 6th edition, London, 1765; 7th edition, Philadelphia, 1767; new edition, Edinburgh, 1845; [Dutch translation] Rotterdam, n. d. but probably 1763.
4. Essay on the connexion between the doctrine of justification . . . and holiness of life. Glasgow, 1756.
   2d edition, Edinburgh, 1756; 3d edition, London, 1765; [Dutch translation] Utrecht, 1764.
5. Reasons of dissent from a vote of the General Assembly. [Edinburgh, 1757.]
6. Serious enquiry into the nature and effects of the stage. Glasgow, 1757.
   Reprinted, New York, 1812; also Edinburgh, 1876; [Dutch translation] Utrecht, 1772.
7. Absolute necessity of salvation through Christ. Edinburgh, 1758.
   2d edition [not found.]
   Note: The 2d edition contained "An inquiry into the scripture meaning of charity," being the expansion of a footnote in the 1st edition.

8. Prayer for national prosperity and for the revival of religion inseparably connected. London, 1758.
9. Case of the Magistrates and Town-council of Paisley, the Minister and Session of the Laigh Church, and the Minister of the High Church . . . [against] the Presbytery of Paisley. [Edinburgh(?), 1758.]
10. Charge of sedition and faction against good men. Glasgow, 1758.
    Reprinted, Belfast, 1759; also Boston, 1811.
11. Trial of religious truth by its moral influence. Glasgow, 1759.
12. Case of the Town-session of Paisley. Appellants from a sentence of the Synod of Glasgow and Ayr. [Edinburgh (?), 1761.]
13. Seasonable advice to young persons. Glasgow, 1762.
14. A serious apology for the Ecclesiastical Characteristics. Edinburgh, 1763.
15. Practical treatise on regeneration. London, 1764. 2d edition, [not found]; 3d edition, [not found]; 4th edition, [not found]; 5th edition, London, 1815; [Dutch translation] Gröningen, 1776; [French translation] Toulouse, 1850.
16. Essays on important subjects. London, 1765. 2 vols.

    Note: These "Essays" and the "Treatise on regeneration" of 1764 are usually bound and lettered as a three volume set, of which vol. 3 is the "Regeneration".

17. History of a corporation of servants. Glasgow, 1765.
18. The nature and extent of visible religion. Edinburgh, 1768.
19. Sermons on practical subjects. Glasgow, 1768.
    Reprinted, Edinburgh, 1804.
20. Practical discourses on the leading truths of the Gospel. Edinburgh, 1768.
    Reprinted, Philadelphia, 1770; 2d edition, London, 1792.
21. Address to the inhabitants of Jamaica . . . in behalf of the College of New Jersey. Philadelphia, 1772.
22. Pastoral letter from the Synod of New York and Philadelphia to the congregations under their care. [Philadelphia(?), 1775.]
23. The Dominion of Providence over the passions of men . . . to which is added an address to the natives of Scotland residing in America. Philadelphia, 1776.
    2d edition, Philadelphia, 1777; 3d edition, Glasgow, 1777; 4th edition, London, 1778.
24. Address to the natives of Scotland residing in America. London, 1778.

    Note: A reprint of the address added to the sermon on "The Dominion of Providence."

25. The humble confession of B. Towne. [Philadelphia, 1778?]
26. Essay on money as a medium of commerce. Philadelphia, 1786.

27. Draught of a plan of government and discipline [for the Presbyterian Church in America]. Philadelphia, 1786.
28. Book of discipline and government of the Church of Scotland. [Philadelphia, 1786.]
29. Christian magnanimity . . . With an address to the senior class. Princeton, 1787.
30. Sermons by James Muir. [Edited by Dr. Witherspoon.] Princeton, 1787.
31. An address to the senior class of students. Paisley, 1788.
    Note: A reprint of the address in the sermon on "Christian magnanimity."
32. Sermon on the religious education of children. Elizabeth-town, 1789.
    Reprinted, Paisley, 1790; also Glasgow, 1802.
33. The Holy Bible. Trenton, 1791. [Preface by Dr. Witherspoon.]
    2d edition, Trenton, 1807.
34. A series of letters on education. New York, 1797. Reprinted, Bristol, 1798; also (four letters only, instead of five) Glasgow, 1799; also Southampton, 1808; also (with Letters on Marriage) Andover, 1817; also (with additions) Salem, N. Y., 1822.
35. Sermons . . . a supplementary volume. Edinburgh, 1798.
36. Works. Philadelphia, 1800-1801. 4 vols.
    Note: Planned as three volumes, the fourth was added (1801) too late to make the proper change in the title pages of the other three.
    2d edition, Philadelphia, 1802. 4 vols.

37. Miscellaneous works. Philadelphia, 1803.
    Note: A reprint, with new title page, of the fourth volume of the "Works".
38. Select works. London, 1804. 2 vols.
39. Works. Edinburgh, 1804-1805. 9 vols.
    Reprinted, Edinburgh, 1815. 9 vols.
40. Lectures on moral philosophy and eloquence. Woodward's third edition. Philadelphia, 1810.
    Reprinted, Philadelphia, 1822.
41. Essay on justification, and a treatise on regeneration. Edinburgh, 1815.
    [2d edition], Glasgow, 1823; 3d edition, Glasgow, 1830.

[*Preface to the first edition.*]

IN JUSTICE to the memory of Dr. Witherspoon, it ought to be stated that he did not intend these lectures for the press, and that he once compelled a printer who, without his knowledge, had undertaken to publish them, to desist from the design, by threatning a prosecution as the consequence of persisting in it. The Doctor's lectures on morals, notwithstanding they assume the form of regular discourses, were in fact, viewed by himself as little more than a syllabus or compend, on which he might enlarge before a class at the times of recitation; and not intending that they should go further, or be otherwise considered, he took freely and without acknowledgement from writers of character such ideas, and perhaps expressions, as he found suited to his purpose. But though these causes would not permit the Dr. himself to give to the public these sketches of moral philosophy, it is believed that they ought not to operate so powerfully on those into whose hands his papers have fallen since his death. Many of his pupils whose eminence in literature and distinction in society give weight to their opinions, have thought that these lectures, with all their imperfections, contain one of the best and most perspicuous exhibitions of the radical principles of the science on which they treat that has ever been made, and they have very importunately demanded their publication in this edition of his works: Nor is it conceived that a compliance with this demand, after the explanation here given can do any injury to the

Dr's. reputation. And to the writer of this note it does not seem a sufficient reason that a very valuable work should be consigned to oblivion, because it is in some measure incomplete, or because it is partly a selection from authors to whom a distinct reference cannot now be made.

LECTURES ON
MORAL PHILOSOPHY

Moral Philosophy is that branch of Science which treats of the principles and laws of Duty or Morals. It is called *Philosophy,* because it is an inquiry into the nature and grounds of moral obligation by reason, as distinct from revelation.[1]

Hence arises a question, is it lawful, and is it safe or useful to separate moral philosophy from religion? It will be said, it is either the same or different from revealed truth; if the same, unnecessary—if different, false and dangerous.

An author of New England,[2] says, moral philosophy is just reducing infidelity to a system. But however specious the objections, they will be found at bottom not solid.[3]— If the Scripture is true, the discoveries of reason cannot be contrary to it;[4] and therefore, it has nothing to fear

[1] MS. A: *Moral Philosophy is that Branch of Science treating of the Principles, Laws, & Duties of Man. It is so called because it treats of the Grounds of obligation by Nature, as distinct from Revelation.*

[2] MS. C adds footnote: *President Edwards. See his dissertation on Virtue.* The reference presumably is to "The nature of true virtue," the second of the elder Edwards' "Two dissertations", published in one volume at Boston in 1765.

[3] MS. A omits this sentence. [4] MS. A omits from this point to *I do not know* in the next paragraph, and instead reads: *If the Scripture be true, no discovery of Reason can be contrary, & Reason serves to illustrate & confirm it; But as infidels endeavour*

from that quarter. And as we are certain it can do no evil, so there is a probability that it may do much good. There may be an illustration and confirmation of the inspired writings, from reason and observation, which will greatly add to their beauty and force.

The noble and eminent improvements in natural philosophy, which have been made since the end of the last century, have been far from hurting the interest of religion; on the contrary, they have greatly promoted it. Why should it not be the same with moral philosophy, which is indeed nothing else but the knowledge of human nature? It is true, that infidels do commonly proceed upon pretended principles of reason. But as it is impossible to hinder them from reasoning on this subject, the best way is to meet them upon their own ground, and to show from reason itself, the fallacy of their principles. I do not know any thing that serves more for the support of religion than to see from the different and opposite systems of philosophers, that there is nothing certain in their schemes, but what is coincident[5] with the word of God.

Some there are, and perhaps more in the present than any former age, who deny the law of nature, and say, that all such sentiments as have been usually ascribed to the law of nature, are from revelation and tradition.

(after their manner of reasoning) to overturn Revelation, the best way would be to meet them *on their own ground & by Reason to demonstrate, there is nothing stable in their Arguments, & that their principles are altogether fallacious.* MSS. B and C omit *It is true that infidels* in the next paragraph, and instead read: *and yet may be an illustration and confirmation of it.*

[5] MS. C *consistent.*

We must distinguish here between the light of nature and the law of nature: by the first is to be understood what we can or do discover by our own powers, without revelation or tradition: by the second, that which, when discovered, can be made appear to be agreeable to reason and nature.

There have been some very shrewd and able writers of late, viz. Dr. Willson, of New Castle, and Mr. Riccalton of Scotland, who have written against the light of nature, shewing that the first principles of knowledge are taken from information. That nothing can be supposed more rude and ignorant, than man without instruction. That when men have been brought up so, they have scarcely been superior to brutes. It is very difficult to be precise upon this subject, and to distinguish the discoveries of reason from the exercise of it. Yet I think, admitting all, or the greatest part, of what such contend for, we may, notwithstanding, consider how far any thing is consonant to reason, or may be proven by reason; though perhaps reason, if left to itself, would never have discovered it.

Dr. Clark was one of the greatest champions for the law of nature;[6] but it is only since his time that the shrewd[7] opposers of it have appeared. The Hutchinsonians (so called from Hutchinson of England) insist that not only all moral, but also all natural knowledge comes from revelation, the true system of the world, true chronology, all human arts, &c. In this, as is usual with most

[6] MS. B *light of nature.* [7] MS. A *shrewdest,* MSS. B and C *greatest.*

other classes of men, they carry their nostrum to extravagance. I am of opinion that the whole Scripture is perfectly agreeable to sound philosophy; yet certainly it was never intended to teach us every thing. The political law of the Jews contains many noble principles of equity, and excellent examples to future lawgivers; yet it was so local and peculiar, that certainly it was never intended to be immutable and universal.

It would be more just and useful to say that all simple and original discoveries have been the production of Providence, and not the invention of man. On the whole, it seems reasonable to make moral philosophy, in the sense above explained, a subject of study. And indeed let men think what they will of it, they ought to acquaint themselves with it. They must know what it is, if they mean ever to show that it is false.

The Division of the Subject.

Moral philosophy is divided into two great branches, Ethics and Politics, to this some add Jurisprudence, though this may be considered as a part of politics.

Ethics relate to personal duties, Politics to the constitution, government, and rights of societies, and jurisprudence, to the administration of justice in constituted states.

It seems a point agreed upon, that the principles of duty and obligation must be drawn from the nature of man. That is to say, if we can discover how his Maker formed him, or for what he intended him, that certainly is what it ought to be.[8]

[8] MS. A adds *Dr. Clarke; Puffendorf de Officiis hominum, & Civium; Cicero de Officiis; Hutchinson; Shaftesbury's Characteristics;*

The knowledge of human nature, however, is either perplexed and difficult of itself, or hath been made so, by the manner in which writers in all ages have treated it. Perhaps this circumstance itself, is a strong presumption[9] of the truth of the Scripture doctrine of the depravity and corruption of our nature. Supposing this depravity, it must be one great cause of difficulty and confusion in giving an account of human nature as the work of God.

This I take to be indeed the case with the greatest part of our moral and theological knowledge.[10]

Those who deny this depravity, will be apt to plead for every thing, or for many things as dictates of nature, which are in reality propensities of nature in its present state, but at the same time the fruit and evidence of its departure from its original purity. It is by the remaining power of natural conscience that we must endeavor to detect and oppose these errors.

(1) We may consider man very generally in his species as distinct from and superior to the other creatures, and what it is, in which the difference truly consists. (2) As an individual, what are the parts which constitute his nature.[11]

1. Philosophers have generally attempted to assign the precise distinction between men and the other animals; but

Mandavel's Fable of the Bees; Walloson's Religion of Nature delineated; and Kaime's Essay of the Principles of Morality, are the Authors to be consulted in these lectures. The list is repeated in the "Recapitulation" at the end of the course.

[9] MSS. A and B *strong proof;* MS. C *sufficient proof.*

[10] The MSS. omit the sentence.

[11] The MSS. omit the passage *and what it is . . . constitute his nature.*

when endeavoring to bring it to one peculiar incommunicable characteristic, they have generally contradicted one another and sometimes disputed with violence and rendered the thing more uncertain.

The difficulty of fixing upon a precise criterion only serves to show that in man we have an example of what we see also every where else, viz. a beautiful and insensible gradation from one thing to another, so that the highest of the inferior is, as it were, connected and blended with the lowest of the superior class. Birds and beasts are connected by some species so that you will find it hard to say whether they belong to the one or the other—So indeed it is in the whole vegetable as well as animal kingdom.[12] (1) Some say *men* are distinguished from brutes by reason, and certainly this, either in kind or degree, is the most honorable of our distinctions. (2) Others say that many brutes give strong signs of reason, as dogs, horses and elephants. But that man is distinguished by memory and foresight: but I apprehend that these are upon the same footing with reason, if there are some glimmerings of reason in the brute creation, there are also manifest proofs of memory and some of foresight. (3) Some have thought it proper to distinguish man from the inferior creatures by the use of speech, no other creatures having an articulate language. Here again we are obliged to acknowledge that our distinction is chiefly the excellence and fullness of articulate discourse; for brutes have certainly the art of making one another understand many things by sound. (4) Some have said that man is not

[12] The preceding portion of this paragraph is not in the MSS.

compleatly distinguished by any of these, but by a sense of religion. And I think it must be admitted that of piety or a sense of a Supreme Being, there is not any trace to be seen in the inferior creatures. The stories handed about by weak-minded persons, or retailed by credulous authors, of respect in them to churches, or sacred persons, are to be disdained as wholly fabulous and visionary. (5) There have been some who have said that man is distinguished from the brutes by a sense of *ridicule.*

The whole creation (says a certain author)[13] is grave except man, no one laughs but himself. There is something whimsical in fixing upon this as the criterion, and it does not seem to set us in a very respectable light. Perhaps it is not improper to smile upon the occasion, and to say, that if this sentiment is embraced, we shall be obliged to confess kindred with the apes, who are certainly themselves possessed of a risible faculty, as well as qualified to excite laughter in us. On the whole there seems no necessity of fixing upon some one criterion to the exclusion of others.

There is a great and apparent distinction between man and the inferior animals, not only in the beauty of his form, which the poet takes notice of, Os homini sublime dedit, &c.[14] but also in reason, memory, reflection, and the knowledge of God and a future state.

A general distinction, which deserves particularly to be taken notice of in moral disquisitions, is, that man is evidently made to be guided, and protected from dangers,

[13] MS. C adds footnote *Shaftesbury.* [14] MS. C adds footnote *Ovid* and makes an attempt to complete the quotation (Metamorphoses I. 85-86).

and supplied with what is useful more by reason, and brutes more by instinct.

It is not very easy and perhaps not necessary to explain instinct. It is something previous to reason and choice. When we say the birds build their nests by instinct, and man builds his habitation by reflection, experience or instruction, we understand the thing well enough, but if we attempt to give a logical definition of either the one or the other, it will immediately be assaulted by a thousand arguments.

Though man is evidently governed by something else than instinct, he also has several instinctive propensities, some of them independent of, and some of them intermixed with his moral dispositions. Of the first kind are hunger, thirst, and some others; of the last is the στοργή or parental tenderness towards offspring.

On instinct we shall only say farther, that it leads more immediately to the appointment of the Creator, and whether in man, or in other creatures, operates more early and more uniformly than reason.

LECTURE II.

Considering man as an individual, we discover the most obvious and remarkable circumstances of his nature, that he is a compound of body and spirit. I take this for granted here, because we are only explaining the nature of man. When we come to his sentiments and principles of action, it will be more proper, to take notice of

the spirituality and immortality of the soul, and how they are proved.

The body and spirit have a great reciprocal influence one upon another. The body on the temper and disposition of the soul, and the soul on the state and habit of the body. The body is properly the minister of the soul, the means of conveying perceptions to it, but nothing without it.

It is needless to enlarge upon the structure of the body; this is sufficiently known to all, except we descend to anatomical exactness, and then like all the other parts of nature it shows the infinite wisdom of the Creator. With regard to morals, the influence of the body in a certain view may be very great in enslaving men to appetite, and yet there does not seem any such connection with morals as to require a particular description. I think[1] there is little reason to doubt that there are great and essential differences between man and man, as to the spirit and its proper powers; but it seems plain that such are the laws of union between the body and spirit, that many faculties are weakened and some rendered altogether incapable of exercise, merely by an alteration of the state of the body. Memory is frequently lost and judgment weakened by old age and disease. Sometimes by a confusion of the brain in a fall the judgment is wholly disordered. The instinctive appetites of hunger, and thirst, seem to reside directly in the body,[2] and the soul to have little more than a a passive perception. Some passions, particularly fear and rage, seem also to have their seat in the body, immediately

[1] The MSS. omit *I think . . . . wholly disordered.*

[2] MS. B omits to *producing.*

producing a certain modification of the blood and spirits.[3] This indeed is perhaps the case in some degree with all passions whenever they are indulged, they give a modification to the blood and spirits, which make them easily rekindled, but there are none which do so instantaneously arise from the body, and prevent deliberation, will and choice, as these now named. To consider the evil passions to which we are liable, we may say those that depend most upon the body, are fear, anger, voluptuousness, and those that depend least upon it, are ambition, envy, covetousness.

The faculties of the mind are commonly divided into these three kinds, the understanding, the will, and the affections; though perhaps it is proper to observe, that these are not three qualities wholly distinct, as if they were three different beings, but different ways of exerting the same simple principle. It is the soul or mind that understands, wills, or is affected with pleasure and pain. The understanding seems to have truth for its object, the discovering things as they really are in themselves, and in their relations one to another. It has been disputed whether good be in any degree the object of the understanding. On the one hand it seems as if truth and that only belonged to the understanding; because we can easily suppose persons of equal intellectual powers and opposite moral characters. Nay, we can suppose malignity joined to a high degree of understanding and virtue or true goodness to a much lower. On the other hand, the choice made by the will seems to have the judgment or deliberation of the understanding as its very foundation. How

[3] The MSS. omit the rest of the paragraph.

can this be, it will be said if the understanding has nothing to do with good or evil. A considerable opposition of sentiments among philosophers, has arisen from this question. Dr. Clark, and some others make understanding or reason the immediate principle of virtue. Shaftsbury, Hutchinson,[4] and others, make affection the principle of it. Perhaps neither the one nor the other is wholly right. Probably both are necessary.

The connection between truth and goodness, between the understanding and the heart, is a subject of great moment, but also of great difficulty. I think we may say with certainty that infinite perfection, intellectual and moral, are united and inseparable in the Supreme Being. There is not however in inferior natures an exact proportion between the one and the other; yet I apprehend that truth naturally and necessarily promotes goodness, and falsehood the contrary; but as the influence is reciprocal, malignity of disposition, even with the greatest natural powers, blinds the understanding, and prevents the perception of truth itself.[5]

Of the will it is usual to enumerate four acts; desire, aversion, joy and sorrow. The two last, Hutchinson[6] says are superfluous, in which he seems to be right. All the acts of the will may be reduced to the two great heads of desire and aversion, or in other words, chusing and refusing.

The affections are called also passions because often excited by external objects. In as far as they differ

[4] MS. B reads correctly *Hutcheson*. [5] The paragraph is not in the MSS. [6] Hutcheson.

from a calm deliberate decision of the judgment, or determination of the will, they may be called strong propensities, implanted in our nature, which of themselves contribute not a little to bias the judgment, or incline the will.

The affections cannot be better understood than by observing the difference between a calm deliberate general inclination, whether of the selfish or benevolent kind, and particular violent inclinations. Every man deliberately wishes his own happiness, but this differs considerably from a passionate attachment to particular gratifications, as a love of riches, honors, pleasures. A good man will have a deliberate fixed desire of the welfare of mankind; but this differs from the love of children, relations, friends, country.

The passions are very numerous and may be greatly diversified, because every thing, however modified, that is the object of desire or aversion, may grow by accident or indulgence, to such a size as to be called, and deserved to be called, a passion. Accordingly we express ourselves thus in the English language. A passion for horses, dogs, play.

However all the passions may be ranged under the two great heads of *love* and *hatred*. To the first belong esteem, admiration, good-will, and every species of approbation, delight, and desire; to the other, all kinds of aversion, and ways of expressing it, *envy, malice, rage, revenge,* to whatever objects they may be directed.

Hope and fear, joy and sorrow, though frequently ranked among the passions, seem rather to be states or modifications of the mind, attending the exercise of every

passion, according as its object is probable[7] or improbable. possest or lost.

Jealousy seems to be a passion of a middle nature, which it is not easy to say whether it should be ranked under the head of love or hatred. It is often said of jealousy between the sexes, that it springs from love; yet, it seems plainly impossible, that it can have place without forming an ill opinion of its object, at least in some degree. The same thing may be said of jealousy and suspicion in friendship.

The passions may be ranged in two classes in a different way, viz. as they are selfish or benevolent, public or private. There will be great occasion to consider this distinction afterwards, in explaining the nature of virtue, and the motives that lead to it. What is observed now, is only to illustrate our nature as it really[8] is. There is a great and real distinction between passions, selfish and benevolent. The first point directly, and immediately at our own interest in the gratification; the others point immediately at the happiness of others. Of the first kind, is the love of fame, power, property, pleasure. And of the second, is family and domestic affection, friendship and patriotism. It is to no purpose to say, that ultimately, it is to please ourselves, or because we feel a satisfaction in seeking the good of others; for it is certain, that the direct object in view in many cases, is to promote the happiness of others; and for this many have been willing to sacrifice every thing, even life itself.

After this brief survey of human nature, in one light, or in one point of view, which may be called its capacity,

[7] MSS. A and B *impossible.* [8] MSS. A and B *usually.*

it will be necessary to return back, and take a survey of the way, in which we become acquainted with the objects about which we are to be conversant, or upon which the above faculties are to be exercised.

On this it is proper to observe in general, that there are but two ways in which we come to the knowledge of things, viz. 1st, Sensation, 2nd, Reflection.

The first of these must be divided again into two parts, external and internal.

External arises from the immediate impression of objects from without. The external senses in number are five; seeing, hearing, feeling, tasting and smelling.

In these are observable the impression itself, or the sensation we feel, and the supposition inseparable from it, that it is produced by an external object. That our senses are to be trusted in the information they give us, seems to me a first principle, because they are the foundation of all our after reasonings. The few exceptions of accidental irregularity in the senses, can found no just objection to this, as there are so many plain and obvious ways of discovering and correcting it.

The reality of the material system I think, may be easily established, except upon such principles as are subversive of all certainty, and lead to universal scepticism; and persons who would maintain such principles, do not deserve to be reasoned with, because they do not pretend to communicate knowledge, but to take all knowledge from us.

The Immaterialists say, that we are conscious of nothing, but the impression or feeling of our own mind; but they do not observe that the impression itself, implies and

supposes something external, that communicates it, and cannot be separated from that supposition. Sometimes such reasoners tell us, that we cannot shew the substance separate from its sensible qualities; no more can any man shew me a sensible quality, separate from a particular subject. If any man will shew me whiteness, without shewing me any thing that is white, or roundness without any thing that is round, I will shew him the substance without either color or shape.

Immaterialism takes away the distinction between truth and falsehood. I have an idea of a house or tree in a certain place, and I call this true, that is, I am of opinion, there is really a house or tree in that place. Again, I form an idea of a house or tree, as what may be in that place; I ask what is the difference, if after all, you tell me, there is neither tree, house nor place any where existing. An advocate for that system says, that truth consists in the liveliness of the idea, than which nothing can be more manifestly false. I can form as distinct an idea of any thing that is not, as any thing that is, when it is absent from my sight. I have a much more lively idea of Jupiter and Juno, and many of their actions, from Homer and Virgil, though I do not believe that any of them ever existed, than I have of many things that I know happened within these few months.

The truth is, the immaterial system, is a wild and ridiculous attempt to unsettle the principles of common sense by metaphysical reasoning, which can hardly produce any thing but contempt in the generality of persons who hear it, and which I verily believe, never produced conviction even on the persons who pretend to espouse it.

LECTURE III.

Internal sensation is what Mr. Hutchinson[1] calls the finer powers of perception. It takes its rise from external objects, but by abstraction, considers something farther than merely the sensible qualities—

1. Thus with respect to many objects there is a sense of beauty in the appearance, structure or composition, which is altogether distinct from mere color, shape and extention. How then is this beauty perceived? It enters by the eye, but it is perceived and relished by what may be well enough called an internal sense, quality or capacity of the mind.

2. There is a sense of pleasure in imitation, whence the arts of painting, sculpture, poetry, are often called the imitative arts. It is easy to see that the imitation itself gives the pleasure, for we receive much pleasure from a lively description of what would be painful to behold.

3. A sense of harmony.

4. A sense of order or proportion.

Perhaps after all, the whole of these senses may be considered as belonging to one class, and to be the particulars which either singly, or by the union of several of them, or of the whole, produce what is called the pleasures of the imagination. If so, we may extend these senses to every thing that enters into the principles of beauty and gracefulness.—Order, proportion, simplicity, intricacy, uniformity, variety—especially as these principles have any thing in common that is equally applicable to all the fine

[1] Hutcheson.

arts, painting, statuary, architecture, music, poetry, oratory.

The various theories upon the principles of beauty, or what it is that properly constitutes it, are of much importance on the subject of taste and criticism, but of very little in point of morals. Whether it be a simple perception that cannot be analysed, or a Je ne scai quoi, as the French call it, that cannot be discovered, it is the same thing to our present purpose, since it cannot be denied, that there is a perception of beauty, and that this is very different from the mere color or dimensions of the object. This beauty extends to the form and shape of visible, or to the grace and motion of living objects; indeed, to all works of art, and productions of genius.[2]

These are called the reflex senses sometimes, and it is of moment to observe both that they really belong to our nature, and that they are very different from the grosser perceptions of external sense.

It must also be observed, that several distinguished writers have added as an internal sense, that of morality, a sense and perception of moral excellence, and our obligation to conform ourselves to it in our conduct.

Though there is no occasion to join Mr. Hutchinson[3] or any other, in their opposition to such as make reason the principle of virtuous conduct, yet I think it must be admitted, that a sense of moral good and evil, is as really a principle of our nature, as either the gross external or reflex senses, and as truly distinct from both, as they are from each other.

This moral sense is precisely the same thing with what,

[2] The MSS. omit this paragraph. [3] Hutcheson.

in scripture and common language, we call conscience. It is the law which our Maker has written upon our hearts, and both intimates and enforces duty, previous to all reasoning. The opposers of innate ideas, and of the law of nature, are unwilling to admit the reality of a moral sense, yet their objections are wholly frivolous. The necessity of education and information to the production and exercise of the reflex senses or powers of the imagination, is every whit as great as to the application of the moral sense. If therefore any one should say, as is often done by Mr. Locke, if there are any innate principles, what are they? enumerate them to me, if they are essential to man they must be in every man; let me take any artless clown and examine him, and see if he can tell me what they are.—I would say, if the principles of taste are natural they must be universal. Let me try the clown then, and see whether he will agree with us, either in discovering the beauty of a poem or picture, or being able to assign the reasons of his approbation.

There are two senses which are not easily reducible to any of the two kinds of internal senses, and yet certainly belong to our nature. They are allied to one another.[4]—A sense of ridicule, and a sense of honor and shame. A sense of the ridiculous is something peculiar; for though it be admitted that everything that is ridiculous is at the same time unreasonable and absurd; yet it is as certain the terms are not convertible, or any[5] thing that is absurd is not ridiculous. There are an hundred falsehoods in mathematics and other sciences, that do not tempt any body to laugh.

[4] MS. A omits the sentence. [5] The MSS. read *every*.

Shaftsbury has, through his whole writings, endeavored to establish this principle that ridicule is the test of truth; but the falsehood of that opinion appears from the above remark, for there is something really distinct from reasoning in ridicule. It seems to be putting imagination in the place of reason.—See Brown's Essays on the Characteristics.[6]

A sense of honor and shame seems, in a certain view, to subject us to the opinions of others, as they depend upon the sentiments of our fellow-creatures. Yet, perhaps we may consider this sentiment as intended to be an assistant or guard to virtue, by making us apprehend reproach from others for what is in itself worthy of blame. This sense is very strong and powerful in its effects, whether it be guided by true or false principles.

After this survey of human nature, let us consider how we derive either the nature or obligation of duty from it.

One way is to consider what indications we have from our nature of the way that leads to the truest happiness. This must be done by a careful attention to the several classes of perceptions and affections, to see which of them are most excellent, delightful, or desirable.

They will then soon appear to be of three great classes, as mentioned above, easily distinguishable from one another, and gradually rising above one another.

1. The gratification of the external senses. This affords some pleasure. We are led to desire what is pleasing,[7] and to avoid what is disgustful to them.

[6] John Brown, "Essays on the Characteristics of the Earl of Shaftesbury," London, 1751. Dr. Witherspoon's copy is in the Library of Princeton University. [7] Rest of sentence omitted in MS. A.

2. The finer powers of perception give a delight which is evidently more excellent, and which we must necessarily pronounce more noble. Poetry, painting, music, &c. the exertion of genius, and exercise of the mental powers in general, give a pleasure, though not so tumultuous, much more refined, and which does not so soon satiate.

3. Superior to both these, is a sense of moral excellence, and a pleasure arising from doing what is dictated by the moral sense.

It must doubtless be admitted that this representation is agreeable to truth, and that to those who would calmly and fairly weigh the delight of moral action, it must appear superior to any other gratification, being most *noble, pure* and *durable*. Therefore we might conclude that it is to be preferred before all other sources of pleasure—that they are to give way to it when opposite, and to be no otherwise embraced than in subserviency to it.

But though we cannot say there is any thing false in this theory, there are certainly very essential defects.—As for example, it wholly confounds, or leaves entirely undistinguished, acting virtuously from seeking happiness: so that promoting our own happiness will in that case be the essence or definition of virtue, and a view to our own interest will be the sole and complete obligation to virtue. Now there is good ground to believe not only that reason teaches us, but that the moral sense dictates to us, something more on both heads, viz. that there are disinterested affections that point directly at the good of others, and that these are so far from meriting to be excluded

from the notion of virtue altogether, that they rather seem to claim a preference to the selfish affections. I know the friends of the scheme of self interest have a way of coloring or solving this. They say, men only approve and delight in benevolent affections, as pleasing and delightful to themselves. But this is not satisfying, for it seems to weaken the force of public affection very much, to refer it all to self interest, and when nature seems to be carrying you out of yourself, by strong instinctive propensities or implanted affections, to turn the current and direction of these into the stream of self interest in which experience tells us we are most apt to run to a vicious excess.

Besides it is affirmed, and I think with good reason, that the moral sense carries a good deal more in it than merely an approbation of a certain class of actions as beautiful, praise worthy or delightful, and therefore finding our interest in them as the most noble gratification. The moral sense implies also a sense of obligation, that such and such things are right and others wrong; that we are bound in duty to do the one, and that our conduct is hateful, blameable, and deserving of punishment, if we do the contrary; and there is also in the moral sense or conscience, an apprehension or belief that reward and punishment will follow, according as we shall act in the one way, or in the other.

It is so far from being true, that there is no more in virtuous action than a superior degree of beauty, or a more noble pleasure, that indeed the beauty and sweetness of virtuous action arises from this very circumstance—

that it is a compliance with duty or supposed obligation. Take away this, and the beauty vanishes, as well as the pleasure. Why is it more pleasant to do a just or charitable action than to satisfy my palate with delightful meat, or to walk in a beautiful garden, or read an exquisite poem? only because I feel myself under an obligation to do it, as a thing useful and important in itself. It is not duty because pleasing, but pleasing because duty.—The same thing may be said of beauty and approbation.[8] I do not approve of the conduct of a plain, honest, industrious, pious man, because it is more beautiful than that of an idle profligate, but I say it is more beautiful and amiable, because he keeps within the bounds of duty. I see a higher species of beauty in moral action: but it arises from a sense of obligation. It may be said, that my interest and duty are the same, because they are inseparable, and the one arises from the other; but there is a real distinction and priority of order. A thing is not my duty, because it is my interest, but it is a wise appointment of nature, that I shall forfeit my interest, if I neglect my duty.

Several other remarks might be made to confirm this. When any person has by experience found that in seeking pleasure he embraced a less pleasing enjoyment, in place of one more delightful, he may be sensible of mistake or misfortune, but he has nothing at all of the feeling of blame or self-condemnation; but when he hath done an immoral action, he has an inward remorse, and feels that he has broken a law, and that he ought to have done otherwise.

[8] The preceding passage *Take away this . . . . beauty and approbation* is not found in MSS. A and B.

LECTURE IV.

This therefore lays us under the necessity[1] of searching a little further for the principle of moral action. In order to do this with the greater accuracy, and give you a view of the chief controversies on this subject, observe, that there are really three questions upon it, which must be inquired into, and distinguished. I am sensible, they are so intimately connected, that they are sometimes necessarily intermixed; but at others, not distinguishing, leads into error.[2] The questions relate to

1. The nature of virtue.
2. The foundation of virtue.
3. The obligation of virtue.

When we inquire into the nature of virtue, we do enough, when we point out what it is, or show how we may come to the knowledge of every particular duty, and be able to distinguish it from the opposite vice. When we speak of the foundation of virtue, we ask or answer the question, Why is it so? Why is this course of action preferable to the contrary? What is its excellence? When we speak of the obligation of virtue, we ask by what law we are bound, or from what principles we ought to be obedient to the precepts which it contains or prescribes.

After speaking something to each of these—to the controversies that have been raised upon them—and the propriety or importance of entering far into these controversies, or a particular decision of them, I shall proceed to

[1] MS. C *This scheme being found defective leaves under a necessity*, etc. [2] MSS. A and B *not being distinguishable they lead us into error.*

a detail of the moral laws or the several branches of duty according to the division first laid down.

1. As to the nature of virtue, or what it is; or, in other words, what is the rule by which I must try every disputed practice—that I may keep clear of the next question, you may observe, that upon all the systems they must have recourse to one or more of the following, viz. Conscience, reason, experience. All who found virtue upon affection, particularly Hutchinson,[3] Shaftsbury and their followers, make the moral sense the rule of duty, and very often attempt to exclude the use of reason on this subject. These authors seem also to make benevolence and public affection the standard of virtue, in distinction from all private and selfish passions.

Doctor Clark and most English writers of the last age, make reason the standard of virtue, particularly as opposed to inward sentiment or affection. They have this to say particularly in support of their opinion, that reason does in fact often controul and alter sentiment; whereas sentiment cannot alter the clear decisions of reason. Suppose my heart dictates to me anything to be my duty, as for example, to have compassion on a person detected in the commission of crimes; yet if, upon cool reflection, I perceive that suffering him to go unpunished will be hurtful to the community, I counteract the sentiment from the deductions of reason.

Again: Some take in the air of experience, and chiefly act upon it. All particularly who are upon the selfish scheme, find it necessary to make experience the guide,

[3] Hutcheson.

to show them what things are really conducive to happiness and what not.

We shall proceed to consider the opinions upon the nature of virtue, the chief of which are as follow:

1. Some say that virtue consists in acting agreeably to the nature and reason of things. And that we are to abstract from[4] all affection, public and private, in determining any question upon it. Clark.

2. Some say that benevolence or public affection is virtue, and that a regard to the good of the whole is the standard of virtue.[5] What is most remarkable in this scheme is, that it makes the sense of obligation in particular instances give way to a supposed greater good. Hutchinson.[6]

3. One author (Wolloston Rel. of Nat. delineated[7]) makes truth the foundation of virtue, and he reduces the good or evil of any action to the truth or falshood of a proposition. This opinion differs not in substance, but in words only from Dr. Clark's.

4. Others place virtue in self love, and make a well regulated self love the standard and foundation of it. This scheme is best defended by Dr. Campbel, of St. Andrews.[8]

5. Some of late have made sympathy the standard of virtue, particularly Smith in his Theory of Moral Sentiments. He says we have a certain feeling, by which we sympathize, and as he calls it, go along with what ap-

[4] MS. C inserts *it.* [5] MS. C adds footnote *Hutcheson.* [6] *Hutcheson.* [7] William Wollaston, "The religion of nature delineated," London 1722. [8] Archibald Campbell, "An inquiry into the original of moral virtue," London 1733.

pears to be right. This is but a new phraseology for the moral sense.

6. David Hume has a scheme of morals that is peculiar to himself. He makes every thing that is *agreeable* and *useful* virtuous, and vice versa, by which he entirely annihilates the difference between natural and moral qualities, making health, strength, cleanliness, as really virtues as integrity and truth.

7. We have an opinion published in this country, that virtue consists in the love of being as such.[9]

Several of these authors do easily and naturally incorporate piety with their system, particularly Clark, Hutchinson,[10] Campbell and Edwards.

And there are some who begin by establishing natural religion, and then found virtue upon piety. This amounts to the same thing in substance; for reasoners upon the nature of virtue only mean to show what the Author of nature has pointed out as duty. And after natural religion is established on general proofs,[11] it will remain to point out what are its laws, which, not taking in revelation, must bring us back to consider our own nature, and the rational deductions from it.

2. The opinions on the foundation of virtue may be summed up in the four following:

1. The will of God. 2. The reason and nature of things. 3. The public interest. 4. Private interest.

1. The will of God. By this is not meant what was mentioned above, that the intimations of the divine will point out what is our duty; but that the reason of the dif-

[9] MS. A adds *Mr. Edwards.* [10] Hutcheson. [11] MS. C *principles.*

ference between virtue and vice is to be sought no where else than in the good pleasure of God. That there is no intrinsic excellence[12] in any thing but as he commands or forbids it. They pretend that if it were otherwise there would be something above the Supreme Being, something in the nature of things that would lay him under the law of necessity or fate. But notwithstanding the difficulty of our forming clear conceptions on this subject, it seems very harsh and unreasonable to say that the difference between virtue and vice is no other than the divine will. This would be taking away the moral character even of God himself. It would not have any meaning then to say he is infinitely holy and infinitely perfect. But probably those who have asserted this did not mean any more than that the divine will is so perfect and excellent that[13] all virtue is reduced to conformity to it—and that we ought not to judge of good and evil by any other rule. This is as true as that the divine conduct is the standard of wisdom.[14]

2. Some found it in the reason and nature of things. This may be said to be true, but not sufficiently precise and explicit. Those who embrace this principle succeed best in their reasoning when endeavoring to show that there is an essential difference between virtue and vice. But when they attempt to show wherein this difference doth or can consist, other than public or private happiness, they speak with very little meaning.

3. Public happiness. This opinion is that the foundation of virtue, or that which makes the distinction be-

[12] MS. C adds *or evil.* [13] MS. C omits following clause *all virtue . . . . to it and that.* [14] MSS. A and B *religion.*

tween it and vice, is its tendency to promote the general good; so that utility at bottom is the principle of virtue, even with the great patrons of disinterested affection.

4. Private happiness. Those who choose to place the foundation of virtue here, would have us to consider no other excellence in it than what immediately conduces to our own gratification.

Upon these opinions I would observe, that there is something true in every one of them, but that they may be easily pushed to an error by excess.

The nature and will of God is so perfect as to be the true standard of all excellence, natural and moral: and if we are sure of what he is or commands, it would be presumption and folly to reason against it, or put our views of fitness in the room of his pleasure; but to say that God, by his will, might have made the same temper and conduct virtuous and excellent, which we now call vicious, seems to unhinge all our notions of the supreme excellence even of God himself.

Again, there seems to be in the nature of things an intrinsic excellence in moral worth, and an indelible impression of it upon the conscience, distinct from producing or receiving[15] happiness, and yet we cannot easily illustrate its excellence but by comparing one kind of happiness with another.

Again, promoting the public or general good seems to be so nearly connected with virtue, that we must necessarily suppose that universal virtue could be of universal utility. Yet there are two excesses to which this has sometimes led.—One the fatalist and necessitarian

[15] MSS. A and B *meriting.*

schemes to which there are so many objections, and the other, the making the general good the ultimate practical rule to every particular person, so that he may violate particular obligations with a view to a more general benefit.

Once more, it is certain that virtue is as really connected with private as with public happiness, and yet to make the interest of the agent the only foundation of it, seems so to narrow the mind, and to be so destructive to the public and generous affections as to produce the most hurtful effects.

If I were to lay down a few propositions on the foundation of virtue, as a philosopher, they should be the following:

1. From reason, contemplation, sentiment and tradition, the Being and infinite perfection and excellence of God may be deduced; and therefore what he is, and commands, is virtue and duty. Whatever he has implanted in uncorrupted nature as a principle, is to be received as his will. Propensities resisted and contradicted by the inward principle of conscience, are to be considered as inherent or contracted vice.

2. True virtue certainly promotes the general good, and this may be made use of as an argument in doubtful cases, to determine whether a particular principle is right or wrong, but to make the good of the whole our immediate principle of action, is putting ourselves in God's place, and actually superseding the necessity and use of the particular principles of duty which he hath impressed upon the conscience. As to the whole I believe the uni-

verse is faultless and perfect, but I am unwilling to say it is the *best* possible system, because I am not able to understand such an argument, and because it seems to me absurd that infinite perfection should exhaust or limit itself by a created production.

3. There is in the nature of things a difference between virtue and vice, and however much virtue and happiness are connected by the divine law, and in the event of things, we are made so as to feel towards them, and conceive of them, as distinct. We have the simple perceptions of duty and interest.

4. Private and public interest may be promoted by the same means, but they are distinct views; they should be made to assist, and not destroy each other.

The result of the whole is, that we ought to take the rule of duty from conscience enlightened by reason, experience, and every way by which we can be supposed to learn the will of our Maker, and his intention in creating us such as we are. And we ought to believe that it is as deeply founded as the nature of God himself, being a transcript of his moral excellence, and that it is productive of the greatest good.

LECTURE V.

3. It remains only that we speak of the obligation of virtue, or what is the law that binds us to the performance, and from what motives or principles we ought to follow its dictates.

The sentiments upon the subject differ, as men have

different views of the nature and foundation of virtue, yet they may be reduced within narrower bounds.

The obligation of virtue may be easily reduced to two general kinds, duty and interest. The first, if real, implies that we are under some law, or subject to some superior, to whom we are accountable. The other only implies that nature points it out to us as our own greatest happiness, and that there is no other reason why we ought to obey.

Now I think it is very plain that there is more in the obligation of virtue, than merely our greatest happiness. The moral sentiment itself implies that it is duty independent of happiness. This produces remorse and disapprobation as having done what is blameable and of ill desert. We have two ideas very distinct, when we see a man mistaking his own interest and not obtaining so much happiness as he might, and when we see him breaking through every moral obligation. In the first case we consider him as only accountable to himself, in the second we consider him as accountable to some superior, and to the public. This sense of duty is the primary notion of law and of rights[1] taken in their most extensive signification as including every thing we think we are entitled to expect from others, and the neglect or violation of which we consider as wrong, unjust, vicious, and therefore blameable. It is also affirmed with great apparent reason by many, particularly Butler in his Analogy and his sermons, that we have a natural feeling of ill desert, and merited punishment in vice. The patrons

[1] The MSS. read *right.*

of the selfish ideas alone, are those who confine the obligation of virtue to happiness.

But of those who are, or would be thought of the opposite sentiment, there are some who differ very considerably from others. Some who profess great opposition to the selfish scheme, declare also great aversion to founding the obligation of virtue in any degree on the will of a superior, or looking for any sanction of punishment, to corroborate the moral laws. This they especially treat with contempt, when it is supposed to be from the deity. Shaftsbury speaks with great bitterness against taking into view a future state of what he calls more extended self-interest. He says men should love virtue for its own sake, without regard to reward or punishment. In this he has been followed by many reasoners, as far as their regard to religion would permit them.

If however, we attend to the dictates of conscience, we shall find evidently, a sense of duty, of self-approbration and remorse, which plainly show us to be under a law, and that law to have a sanction: what else is the meaning of the fear and terror, and apprehension of guilty persons? Quorum mentes se recludantur, &c, says Cicero.[2]

Nor is this all, but we have all certainly a natural sense of dependance. The belief of a divine being is certainly either innate and necessary, or has been handed down from the first man, and can now be well supported by the clearest reason. And our relation to him not only lays the foundation of many moral sentiments and duties, but

[2] The quotation is not from Cicero, but is a misprinted adaptation from Tacitus (Annals VI. 6). Each MS. attempts the quotation in full and garbles it.

compleats the idea of morality and law, by subjecting us to him, and teaching us to conceive of him,[3] not only as our Maker, preserver and benefactor, but as our righteous governor and supreme judge. As the being and perfections of God are irrefragably established, the obligation of duty must ultimately rest here.

It ought not to be forgotten that the belief or apprehension of a future state of rewards and punishments, has been as universal as the belief of a deity, and seems inseparable from it, and therefore must be considered as the sanction of the moral law. Shaftsbury inveighs severely against this as making man virtuous from a mercenary view; but there are two ways in which we may consider this matter, and in either light his objections have little force. (1). We may consider the primary obligations of virtue as founded upon a sense of its own excellence, joined with a sense of duty and dependance on the supreme being, and rewards and punishments as a secondary motive, which is found in fact, to be absolutely necessary to restrain or reclaim men from vice and impiety. Or (2.) We may consider that by the light of nature as well as by revelation, the future reward of virtue is considered as a state of perfect virtue, and the happiness is represented as arising from this circumstance. Here there is nothing at all of a mercenary principle, but only an expectation that true goodness, which is here in a state of imperfection and liable to much opposition, shall then be improved to the highest degree, and put beyond any possibility of change.

[3] MS. C omits this clause.

We may add to these obligations the manifest tendency of a virtuous conduct to promote even our present happiness: this in ordinary cases it does, and when joined with the steady hope of futurity, does in all cases produce a happiness superior to what can be enjoyed in the practice of vice. Yet perhaps, the stoics of old, who denied pain to be any evil, and made the wise man superior to all the vicissitudes of fortune, carried things to a romantic and extravagant height. And so do some persons in modern times, who setting aside the consideration of a future state, teach that virtue is its own reward. There are many situations in which, if you deprive a good man of the hope of future happiness, his state seems very undesirable. On the contrary, sometimes the worst of men enjoy prosperity and success to a great degree, nor do they seem to have any such remorse, as to be an adequate punishment of their crimes. If any should insist, that a good man has always some comfort from within and a bad man a self-disapprobation and inward disquiet, suited to their characters, I would say that this arises from the expectation of a future state, and a hope on the one side, and fear on the other, of their condition there.

Those who declaim so highly of virtue being its own reward in this life, take away one of the most considerable arguments, which from the dawn of philosophy, has always been made use of, as a proof of a future state, viz. the unequal distribution of good and evil in this life. Besides they do not seem to view the state of bad men properly. When they talk of remorse of conscience, as a sufficient punishment, they forget that this is seldom to

a high degree, but in the case of some gross crimes. Cruelty and murder, frequent acts of gross injustice, are sometimes followed with deep horror of conscience; and a course of intemperance or lust is often attended with such dismal effects upon the body, fame and fortune, that those who survive it a few years, are a melancholy spectacle, and a burden to themselves and others. But it would be very loose morality, to suppose none to be bad men, but those who were under the habitual condemnation of conscience. On the contrary, the far greater part are blinded in their understandings, as well as corrupt in their practice—They deceive themselves, and are at peace. Ignorance and inattention keep the multitude at peace. And false principles often produce self-justification and ill-founded peace, even in atrocious crimes. Even common robbers are sometimes found to justify themselves, and say—I must live—I have a right to my share of provision, as well as that proud fellow that rolls in his chariot.

The result of the whole is that the obligation to virtue ought to take in all the following particulars: A sense of its own intrinsic excellence—of its happy consequences in the present life—a sense of duty and subjection to the Supreme Being—and a hope of future happiness, and fear of future misery from his decision.

Having[4] considered the reasonings on the nature, foundation and obligation of virtue, I now proceed to a more particular detail of the moral laws, and shall take them under the three heads formerly mentioned, Ethics, Politics and Jurisprudence.

[4] The MSS. transfer this paragraph to the beginning of Lecture VI.

LECTURE VI.

As to the first we must begin with what is usually called the states of man, or several lights or relations in which he may be considered, as laying a foundation for duty. These states may be divided into two kinds—(1.) Natural. (2.) Adventitious.

The natural states may be enumerated thus: (1.) His state with regard to God, or natural relation to him. (2.)To his fellow-creatures. (3.) Solitude or society. (4.) Peace or war. Perhaps we may add to these (5.) His outward provision, plenty or want.

These are called natural states, because they are necessary and universal. All men and at all times are related to God. They were made by him, and live by his providence. We must also necessarily know our fellow-creatures, and their state to be similar to ours in this respect and many others. A man must at all times be independent or connected with society—at peace with others, or at war—well provided, or in want.

The other states are called adventitious, because they are the effect of choice and the fruit of industry, as marriage—family—master and servant—particular[1] voluntary societies—callings or professions—characters or abilities natural and acquired—offices in a constituted society—property, and many particular modifications of each of these.

In prosecuting the subject farther, and giving an analysis of the moral duties founded upon these states. I shall

[1] MSS. A and B insert *and.*

first take notice of our relation to God, with the proofs of his being and perfections, and then consider the moral laws under three heads; our duty to God, to our neighbor, and to ourselves.

1. Our duty to God. To this place I have reserved what was to be said upon the proof of the being of God, the great foundation of all natural religion; without which the moral sense would be weak and insufficient.

The proofs of the being of God are generally divided into two kinds. (1.) A priori. (2.) A posteriori. The first is, properly speaking, metaphysical reasoning downward from the first principles of science or truth, and inferring by just consequence the being and perfections of God. Clark's Demonstration, &c. (if there be any thing that should be called a priori, and if this is a conclusive method of reasoning) is as complete as any thing ever published,[2] perhaps he has carried the principle as far as it will go.

This way of arguing begins by establishing our own existence from consciousness. That we are not necessarily existent, therefore must have a cause; that something must have existed from all eternity, or nothing ever could have existed; that this being must exist by an internal necessity of nature; that what exists necessarily must exist alike every where; must be perfect; act every where; be independent, omnipotent, omniscient, infinitely good, just, true—Because as all these are evidently perfections or excellencies, that which exists by a necessity of nature must be possessed of every perfection. And

[2] MS. A *as anything can be established.*

the contrary of these virtues implying weakness or insufficiency, cannot be found in the infinite being.

The other medium[3] of proof, commonly called a posteriori, begins with contemplating the universe in all its parts; observing that it contains many irresistible proofs that it could not be eternal, could not be without a cause; that this cause must be intelligent; and from the astonishing greatness, the wonderful adjustment and complication of things, concludes that we can set no bounds to the perfection of the Maker, because we can never exhaust the power, intelligence and benignity that we see in his works. In this way of arguing we deduce the moral perfections of the deity from the faint resemblances of them that we see in ourselves. As we necessarily conceive justice, goodness, truth, &c. to be perfections or excellencies, we are warranted by the plainest reason to ascribe them to the divine being in an infinite degree.

There is perhaps at bottom no difference between these ways of reasoning, because they must in some degree, rest upon a common principle, viz. that every thing that exists must have a cause. This is equally necessary to both the chains of reasoning, and must itself be taken for an original sentiment of nature, or an impression necessarily made upon us from all that we see and are conversant with. About this and some other ideas great stir has been made by some infidel writers, particularly David Hume, who seems to have industriously endeavored to shake the certainty of our belief upon cause and effect, upon personal identity and the idea of power. It is easy to raise metaphysical subtleties, and confound the under-

[3] MS. C *method.*

standing on such subjects. In opposition to this, some late writers have advanced with great apparent reason, that there are certain first principles or dictates of common sense, which are either simple perceptions, or seen with intuitive evidence. These are the foundation of all reasoning, and without them, to reason is a word without a meaning. They can no more be proved than you can prove an axiom in mathematical science. These[4] authors of Scotland have lately produced and supported this opinion, to resolve at once all the refinements and metaphysical objections of some infidel writers.

There is a different sort of argument often made use of, or brought in aid of the others for the being of God, viz. the consent of all nations, and the universal prevalence of that belief. I know not whether we must say that this argument rests also upon the principle that nothing can exist without a cause, or upon the plan just now mentioned. If it is an universal dictate of our nature, we must take it as true immediately, without further examination.

An author I formerly mentioned has set this argument in a peculiar light (Dr. Wilson of New Castle). He says that we receive all our knowledge, as philosophers admit,[5] by sensation and reflection. Now, from all that we see, and all the reflection and abstraction upon it we are capable of, he affirms it is impossible we could ever form the idea of a spirit or a future state. They have, however, been early and universal, and therefore must have been communicated at first, and handed down by information

[4] MSS. A and B *Three*. MS. C *The*. [5] MS. C omits the phrase.

and instruction from age to age. So that unless upon the supposition of the existence of God, and his imparting the knowledge of himself to men, it is impossible that any idea of him could ever have entered into the human mind. There is something ingenious and a good deal of probability in this way of reasoning.

As to the nature of God, the first thing to be observed is the unity of God. This is sufficiently established upon the reasonings both a priori and posteriori. If these reasonings are just for the being of God, they are strictly conclusive for the unity of God. There is a necessity for the existence of one supreme being, the first cause, but no necessity for more; nay, one supreme independent being does not admit any more. And when we view the harmony, order and unity of design in the created system, we must be led to the belief of the unity of God.

Perhaps it may be thought an objection to this (especially if we lay any stress on the universal sentiments of mankind,) that all nations have been so prone to the belief and worship of a plurality of gods. But this argument is rather specious than solid; as however prone men were to worship local inferior deities, they seem to have considered them only as intermediate divinities and intercessors between them and the Supreme God.

The perfections of God may be divided into two kinds, *Natural* and *Moral.*

1. The natural perfections of God are spirituality, immensity, wisdom and power.

We call these natural perfections, because they can be easily distinguished, and in idea at least separated, from

goodness of disposition. It is highly probable indeed that supreme excellence, natural and moral, must always reside in the same subject, and are truly inseparable; yet we distinguish them not only because the ideas are distinct, but because they are by no means in proportion to one another in inferior natures. Great powers of mind and perfection of body are often joined to malignity of disposition. It is not so however in God; for as his natural perfections are founded on reason, so his moral excellence is evidently founded in the moral sense or conscience which he hath implanted in us.

Spirituality is what we may call the very *nature* of God. It must be admitted that we cannot at present form any complete or adequate idea of a spirit. And some, as you have heard formerly, insist that without revelation we could never have acquired the idea of it that we have. Yet there are many who have reasoned in a very strong and seemingly conclusive manner to show that mind or intelligence must be a substance altogether distinct from matter. That all the known properties of matter are incapable of producing thought, as being wholly of a different kind—that matter as such and universally is inert and[6] divisible; thought or intelligence, active and uncompounded. See the best reasoning on this subject in Baxter's Immateriality of the Soul.[7]

Immensity in the Divine Being is that by which he is

[6] MS. A omits *inert and.*

[7] Andrew Baxter, "An enquiry into the nature of the human soul; wherein the immateriality of the soul is evinced from the principles of reason and philosophy", London, 1730 (?). Dr. Witherspoon's copy is in the Library of Princeton University.

every where, and equally present. Metaphysicians, however, differ greatly upon this subject. The Cartesians will not admit that place is at all applicable to spirits. They say it is an idea wholly arising from extension, which is one of the peculiar and essential qualities of matter. The Newtonians, however, who make so much use of the idea of infinite space, consider place as essential to all substance, spirit as well as matter. The difficulties are great on both sides. It is hard to conceive of spirit at all, separating from it the qualities of matter, and after we have attempted to do so it seems to be bringing them back to talk of place. And yet it seems not only hard but impossible to conceive of any real being without supposing it in some place, and particularly upon the immensity of the Deity, it seems to be putting created spirits too much on a level with the infinite spirit to deny his immensity. It is I think certain they are either confined to a place, or so limited in their operations as is no way so well expressed as by saying we are here and no where else. And in this sense both parties must admit the divine immensity—that his agency is equal, universal and irresistible.

Wisdom is another natural attribute of God, implying infinite knowledge—that all things in all their relations, all things existing, and all things possible, are the objects of the divine knowledge. Wisdom is usually considered as respecting some end to be attained, and it implies the clear discovery of the best and most effectual means of attaining it.

Power is the being able to do all things without limit

or restraint. The omnipotence of God is always considered as an essential perfection, and seems to arise immediately from creation and providence. It is common to say that God can do all things except such as imply a contradiction—such as to make a thing to be and not to be at the same time; but this is unnecessary and foolish in the way of an exception, for such things are not the objects of power at all. They are mere absurdities in our conception[8] and indeed we may say of our own creation. All things are possible with God—nothing can withstand his power.

LECTURE VII.

2d. The moral perfections of God are holiness, justice, truth, goodness and mercy.

Holiness is sometimes taken in a general and comprehensive sense, as being the aggregate, implying the presence of all moral excellence; yet it is sometimes used and that both in the scripture revelation and by heathen writers as a peculiar attribute. In this limited sense it is extremely difficult to define or explain. Holiness is that character of God to which veneration, or the most profound reverence in us, is the correspondent affection. It is sometimes also expressed by purity, and when we go to form an idea of it perhaps we can scarce say any thing better than that it is his being removed at an infinite distance from the grossness of material indulgence.

[8] MSS. A and B omit rest of sentence.

Justice is an invariable determination to render to all their due. Justice seems to be founded on the strong and unalterable perception we have of right and wrong, good and evil, and particularly that the one deserves reward, and the other punishment. The internal sanction, or the external and providential sanction of natural laws, point out to us the justice of God. The chief thing that merits attention upon this subject is the controversy about what is called the vindictive justice of God. That is to say, is there in God, or have we a natural sense of the propriety[1] of, a disposition to inflict punishment independent of the consequences, viz. the reformation of the offender, or the example of others. This loose moralists often declaim against. Yet it seems plain, that the sense in our minds of good and ill desert, makes guilt the proper object of punishment simply in itself. This may have a relation to general order and the good of the whole, which however is out of our reach.

The truth of God is one of his perfections, greatly insisted upon in Scripture, and an essential part of natural religion. It is inseparable from infinite perfection; for any departure from truth must be considered as arising from weakness or necessity. What end could be served to a self sufficient and all sufficient being by falsehood or deception.

Goodness in God is a disposition to communicate happiness to others. This is easily understood. The creation is a proof of it—Natural and moral evil no just objection to it, because of the preponderancy of happiness.

[1] MS. A *propensity*.

Mercy, as distinguished from goodness or benignity, is his being of a placable nature—Ready to forgive the guilty, or to remit deserved punishment. It has been disputed how far mercy or placability is discoverable by reason. It is not mercy or forgiveness, unless it would have been just at the same time to have punished. There are but two ways by which men from reason may infer the attribute of mercy to belong to the Deity. (1) Because we ourselves are sensible of this disposition, and see in it a peculiar beauty. (2) From the forbearance of Providence that sinners are not immediately overtaken with punishment, but have space given them to repent.—Yet as all the conclusions drawn from these principles must be vague and general, the expectations of the guilty founded upon them, must be very uncertain. We must conclude therefore, that however stable a foundation there is for the other attributes of God in nature and reason, the way in which and the terms on which, he will shew mercy, can be learned from Revelation only.[2]

Having considered the being and perfections of God, we proceed to our duty to him.

This may be considered in two views, as general and special. 1. By the first I understand our duty to obey him and submit to him in all things. This you see includes every branch of moral duty to our neighbor and ourselves, as well as to God, and so the particular parts of it will be considered afterwards. But in this place, considering every good action as an act of obedience to

[2] MS. C adds *see Dr. Leland's views of Deistical writers,* i.e. John Leland, "A view of the principal deistical writers that have appeared in England during the last and present century", (1754-56.)

God, we will a little attend to the divine sovereignty and the foundation of it.

In speaking of the foundation of virtue I took in a sense of dependance and subjection to God.—But as men are not to be deterred from bold inquiries, a further question is raised by some—what is properly the foundation of the divine dominion? (1) Some found it directly upon Omnipotence. It is impossible to resist his power. This seems to lay us under a necessity, rather than to convince us of duty. We ought however, to think and speak of this subject with reverence, and certainly Omnipotence seems to oblige us to actual, if it should not bring us to willing obedience. It is somewhat remarkable, that in the book of Job,[3] composed on purpose to resolve some difficulties in providence, where God is brought in as speaking himself out of the whirlwind, he makes use of no other argument than his tremendous majesty and irresistible power. Yet to rest the matter wholly upon this, seems much the same as founding virtue on mere will;—therefore (2) some found the divine dominion on his infinite excellence, they say it is the law of reason that the wisest should rule, and therefore that infinite perfection is entitled to universal sway. Even this, taken separate and alone, does not seem wholly to satisfy the mind. If one person is wiser than another, it seems reasonable that the other should learn of him and imitate him; but it scarcely seems a sufficient reason that the first should have absolute authority. But perhaps the weakness of the argument, taken in this view, may arise

[3] MS. C adds *see Job chapters* 38 *and* 40 *verse 6th,* and omits *composed . . . . providence.*

from the inconsiderable difference between man and man, when compared to the superiority of universal and unchangeable perfection. (3) Some found it upon creation. They say, that God has an absolute property in all his creatures, he may therefore do what he will with his own. This no doubt, goes a good way, and carries considerable force with it to the mind, the rather that, as you will afterwards see, it is something similar to this in us, that lays the foundation of our most perfect rights, viz. That the product of our own industry is properly at our own disposal.

As upon the foundation of virtue I thought it necessary to unite the principles of different writers, so upon this subject, I think that all the three particulars mentioned, ought to be admitted, as the grounds of the divine dominion. Omnipotence, infinite excellence, and the original production and continual preservation of all creatures.

2. Our duty to God may be considered more specially, as it points out the duties we owe immediately to himself.

These may be divided into internal and external.—1st. The internal are all included under the three following, love, fear, and trust.

The love of God, which is the first and great duty both of natural and revealed religion, may be explained in a larger and more popular, or in a more precise and stricter way.

In the first, love may be resolved into the four following acts, (1) esteem, (2) gratitude, (3) Benevolence, (4) desire.

These four will be found inseparable from true love;

and it is pretty much in the same order, that the acts succeed one another. Love is founded on esteem, on the real or supposed good qualities of the object. You can no more love that which you despise than that which you hate. Gratitude is also inseparable from it, to have a lively sense of favors received, and to esteem them for the sake of the person from whom they came. Benevolence or rejoicing in the happiness and wishing well to the object. And lastly, a desire of a place in his esteem.[4] Whatever we love, we desire to possess, as far as it is suited to our faculties.

The stricter, and more precise method of considering the love of God, is to divide it into two branches, benevolence and desire. And indeed our affections to God seem to be capable of the same division as our affection to our fellow-creatures, benevolent and selfish. I think it undeniable, that there is a disinterested love of God, which terminates directly upon himself, without any immediate view to our own happiness—as well as a discovery of our great interest in his favor.

The second great duty to God, is fear; but here we must carefully distinguish this affection from one which bears the name, and is different from it—at least in a moral view it is altogether opposite.—Dutiful fear is what may be otherwise called veneration, and hath for its object the infinity of the divine perfection in general, but particularly his majesty and greatness. The other is merely a fear of evil or punishment from him: these are called sometimes a filial and a servile fear. The first increases, as men improve in moral excellence, and the

[4] MS. A is more explicit *his or her esteem, male or female.*

other is destroyed. Perfect love casteth out fear. Perhaps however opposite, as they have the same name, they may be said to be the same natural affection, only as it takes place in innocent or holy, and in guilty creatures. The same majesty of God, which produces veneration in the upright, produces horror and apprehension of punishment in the guilty.

The third great duty is trust. This is a continual dependance on God for every thing we need, together with and approbation of, and absolute resignation to his providence.

2. The external duties to God, I shall briefly pass over, being only, all proper and natural expressions of the internal sentiments.

It may be proper however, to take notice in general of the worship due to God, that whether we consider the nature of things, or the universal practice of mankind, in all ages, worship, and that not only private, but public and social worship is a duty of natural religion.

Some of the enemies of revealed religion, have spoken with great virulence against this, as unreasonable, and even dishonorable to the Divine Being. The substance of what they say, is this, is that as it would be no part of the character of an eminent and good man, to desire and take pleasure in others praising him and recounting his good qualities, so it is absurd to suppose, that the Supreme Being is pleased with incense, sacrifices and praises. But it ought to be observed, that he does not require these acts and exercises as any gratification to himself, but as in themselves just and necessary and suited to the revelation

we stand in to him, and useful for forming our temper and universal practice. We ought also to remember, that we must not immediately and without discrimination, reason from what would be praise and blame-worthy among men, to what would be just or unjust in God, because the circumstances are very different. Besides, though for any man to desire the applause of his fellow-creatures, or be pleased with adulation, would be a mean and contemptible character, because indeed there is such unspeakable imperfection in the best of men, yet when any duty or sentiment is fully and manifestly due from man to man, there is nothing improper or dishonorable in requiring or expecting it. Thus a parent requires respect and submission from his children, a master from his servants; and though the injury is merely personal, he thinks himself entitled to punish every expression of contempt or disregard. Again, every man who has bestowed signal favors upon another, expects to see evidence of a grateful and sensible mind, and severely condemns every sentiment or action that indicates a contrary disposition.

On the whole then, we see that if the worship of God be what is due from us to him in consequence of the relation we stand in to him, it is proper and necessary that he should require it. To honor God is to honor supreme excellence; for him not to expect and demand it, would be to deny himself.

One other difficulty I shall touch upon a little. It respects the duty of prayer; and the objections lie equally against it on the footing of natural religion and revealed. The objections are two. (1.) Why does God who perfectly

knows all our wants, require and expect prayer before he will supply them? To this I would answer that he supplies great multitudes of our wants without asking it; and as to his requiring the duty of prayer, I say the same thing as of worship in general; it is reasonable and necessary to express, and to increase upon our minds, a sense of dependance, and thereby lay us under an obligation of properly improving what we receive. (2.) The other obligation[5] is with regard to the force or efficacy of prayer. Why it is said should we pray when the whole system of divine providence is fixed and unalterable? Can we possibly suppose that God will change his purposes, from a regard to our cries or tears? To this some answer no otherwise than as before, that without having any effect upon the event, it has only an effect upon our minds, in bringing us to a right temper. Dr. Leechman of Glasgow, in his discourse on prayer, makes no other answer to this difficulty. But I think to rest it here, and admit that it has no influence in the way of causality upon the event, would in a great measure break the force and fervency of prayer. I would therefore say further, that prayer has a real efficacy on the event, and just as much as any other second cause. The objection arises from going beyond our depth, and reasoning from the unchangeable purpose of God to human actions, which is always unjust and fallacious.—However unable we may be to explain it, notwithstanding the fixed plan of providence, there is a real influence of second causes both natural and moral, and I apprehend the connection between cause and effect is sim-

[5] MSS. A and C *objection,* an obviously correct reading not found in any of the editions.

ilar in both cases. If it is fixed from eternity that there shall be a plentiful crop upon a certain field I know that nothing whatsoever can prevent it, if otherwise the efforts of the whole creation cannot produce it; yet I know as certainly that, hypothetically, if it is not ploughed and sown there will be no grain upon it, and that if it be properly manured and dressed it will probably be fruitful. Thus in moral matters, prayer has as real an influence in procuring the blessing as ploughing and sowing has in procuring the crop; and it is as consistent with the established order of nature and the certainty of events in the one case, as in the other: for this reason the stoical fate of old, was called the *ignava ratio* of the stoics, as they sometimes made use of the above fallacious reasoning.

LECTURE VIII.

2. We come now to our duty to man. This may be reduced to a short sum, by ascending to its principle. Love to others, sincere and active, is the sum of our duty.

Benevolence, I formerly observed, ought not to be considered as the whole of virtue, but it certainly is the principle and sum of that branch of duty which regards others.

We may distinguish between (1) particular kind affection, and (2) a calm and deliberate good-will to all.—The particular kind affections, as to family, friends, country, seem to be implanted by nature, to strengthen the general

principle, for it is only or chiefly by doing good to those we are particularly related to, that we can promote the general happiness.

Particular kind affections should be restrained and directed by a calm good-will to all. Wherever our attachments to private persons prevents a greater good, they become irregular and excessive.

Some think that a calm and settled good will to others, is an improvement of the particular affections, and arises from the more narrow to the more extensive; from family, friends, country, to all our fellow creatures. But it seems more reasonable to say, that the general affection is a dictate of our conscience of a superior kind. If it were only an increase and extension of the private affection it would grow more weak, as the distance from ourselves increased, whereas in fact the more enlarged affections are intended to be more powerful than the confined.

When we are speaking of kind affections, it will not be improper to observe that some unbelievers have objected against the gospel, that it does not recommend private friendship and the love of our country. But if fairly considered, as the Scripture, both by example and precept, recommends all particular affections, so it is to its honor that it sets the love of mankind above them every one, and by so much insisting on the forgiveness of injuries and the love of enemies, it has carried benevolence to its greatest perfection. The parable of the Samaritan in answer to the question, who is my neighbor? is one of the greatest beauties in moral painting any where to be seen.

The love of our country to be sure, is a noble and enlarged affection, and those who have sacrificed private ease and family relations to it, have become illustrious, yet the love of mankind is still greatly superior. Sometimes attachment to country appears[1] in a littleness of mind, thinking all other nations[2] inferior, and foolishly believing that knowledge, virtue and valor are all confined to themselves. As the Romans long ago made the *Punica fides* to mean deceit, so there are not wanting among us those who think that all the French are interested, treacherous and cowardly.

On the great law of love to others, I shall only say further that it ought to have for its object their greatest and best interest, and therefore implies wishing and doing them good in soul and body.

It is necessary now to descend to the application of this principle to particular duties, and to examine what are the rights or claims that one man has upon another. Rights and obligations are correlative terms. Whatever others have a just right or title to claim from me, that is my duty, or what I am obliged to do to them.

Right[3] in general may be reduced, as to its source, to the supreme law of moral duty; for whatever men are in duty obliged to do, that they have a claim to, and other men are considered as under an obligation to permit them. Again, as our own happiness is a lawful object or end, we are supposed to have each a right to prosecute this; but as our prosecutions may interfere we limit each others rights, and a man is said to have a right or power to

[1] MS. C inserts *to have its foundation.* [2] MSS. A and B *relations.*
[3] MS. B omits this paragraph.

promote his own happiness by those means which are not in themselves criminal or injurious to others.

Rights may be divided or classed in several different ways; an attention to all of which is of use on this subject. Right may be (1) natural or acquired. Natural rights are such as are essential to man, and universal—acquired are those that are the fruits of industry, the effects of accident or conquest.[4] A man has a natural right to act for his own preservation and to defend himself from injury, but not a natural right to domineer,[5] to riches (comparatively speaking) or to any particular office in a constituted state.

(2.) Rights are considered as perfect and imperfect. Those are called perfect rights which can be clearly ascertained in their circumstances, and which we may make use of force to obtain when they are denied us. Imperfect rights are such as we may demand, and others ought to give us, yet we have no title to compel them. Self-preservation is a perfect right, but to have a grateful return for a favor is not a perfect right.

All the duties of justice are founded on the perfect rights; those of mercy generally on the imperfect rights.

The violation of an imperfect right is often as great an act of immorality as that of a perfect right. It is often as immoral, or more so, to refuse to supply the necessitous, or to do it too sparingly, as to commit a small injury against a man's person or fortune. Yet the last is the breach of perfect right, and the other of an imperfect.

[4] The MSS. read *compact.* [5] MSS. A and B *dominion,* and MS. C omits *to domineer.*

Human[6] laws reach only, in ordinary cases, to the perfect rights. Sometimes imperfect rights by being carried far become perfect, as humanity and gentleness in a parent to a child may be so grossly violated as to warrant the interposition of human authority.

(3.) Rights are alienable and unalienable. The first we may, according to justice and prudence, surrender or give up by our own act; the others we may not. A man may give away his own goods, lands, money. There are several things which he cannot give away, as a right over his own knowledge, thoughts, &c. Others[7] which he ought not, as a right to judge for himself in all matters of religion, his right to self-preservation, provision, &c. Some say that liberty is unalienable, and that those who have even given it away may lawfully resume it.

The distinction between rights as alienable and unalienable is very different from that of natural and acquired. Many of the rights which are strictly natural and universal may be alienated in a state of society for the good of the whole as well as of private persons; as for example, the right of self-defence; this is in a great measure given up in a state of civil government into the hands of the public—and the right of doing justice to ourselves or to others in matters of property, is wholly given up.

(4.) Rights may be considered as they differ with regard to their object. 1. Rights we have over our own persons and actions. This class is called liberty. 2. Rights over things or goods which belong to us. This is called property. 3. Rights over the persons and actions of other men. This is called authority. 4. Rights in the

[6] MS. C omits sentence. [7] MSS. B and C omit this sentence.

things which are the property of others, which are of several sorts.

When we come to the second great division of moral philosophy, politics, the above distinctions will be more fully explained—at present it is sufficient to point at them in order to show what are the great lines[8] of duty from man to man.

Our duty to others, therefore, may be all comprehended in these two particulars, justice and mercy.

Justice consists in giving or permiting others to enjoy whatever they have a perfect right to—and making such an use of our own rights as not to encroach upon the rights of others. There is one writer, David Hume, who has derided[9] the duty of justice, resolving it wholly into power and conveniency, and has affirmed that property is common, than which nothing can be more contrary to reason; for if there is anything clear as a dictate of reason, it is, that there are many rights which men severally possess, which others ought not to violate. The foundation of property in goods, I will afterwards show you is plainly laid in the social state.

Another virtue which this author ridicules is chastity. This however will be found to be included in justice, and to be found in the sentiments of all nations, and to have the clearest foundation both in nature and public utility.

Mercy is the other great branch of our duty to man, and is the exercise of the benevolent principle in general, and of the several particular kind affections. Its acts, generally speaking, belong to the class of imperfect rights,

[8] MS. A *laws;* MS. C *kinds.* [9] MS. C *denied.*

which are strongly binding upon the conscience, and absolutely necessary to the subsistence of human society; yet such as cannot be enforced with rigor and precision by human laws.

Mercy may be generally explained by a readiness to do all the good offices to others that they stand in need of, and are in our power, unless they are opposed to some perfect right, or an imperfect one of greater moment.

LECTURE IX.

3. The third class of moral duties is what contains our duty to ourselves.

This branch of duty is as real and as much founded in the moral principle, as any of the former—Conscience as clearly testifies the evil of neglecting it—and vicious conduct in this respect does generally lead us directly not only to misery, but to shame.

We may, I think, divide our duties to ourselves into two heads, which will be both distinct and comprehensive, (1.) Self-government. (2.) Self-interest.

The first of these is to keep our thoughts, desires and affections, in due moderation. If it be asked what is due moderation, I answer it may be discovered three ways. (1.) When the indulgence interferes with our duty to God, (2.) To ourselves, and, (3.) To our neighbor.

When our thoughts or desires are such as to be contrary to the love, fear, or trust we owe to God, then they are to be restrained and brought into subjection—Thus are

generated the virtues of *humility, contentment, patience,* and such as are allied to them.

When our thoughts and inward temper are such as to be any way injurious to others, they must be governed and restrained; hence arises the obligation to guard against all the immoral[1] passions, which will produce meekness and composure of spirit.

And when we have got but a little experience we shall speedily find that an excessive indulgence of any passion, *love, hatred, anger, fear,* discomposes us exceedingly, and is an evil instead of a blessing. We shall therefore perceive the necessity of continence, self-denial, fortitude, restraint, and moderation in every thing how good soever. (2.) The other general branch of duty to ourselves may be called self-interest. This, taking in natural religion, includes our relation to the Divine Being, and attending particularly to that[2] of procuring his favor. Therefore it is a prime part of our duty to ourselves, to guard against any thing that may be hurtful to our moral character, or religious hopes.

2. We ought to be active and diligent in acquiring every thing necessary for life and comfort. Most of our duties to ourselves, resemble the duties of justice and mercy to others. If there are certain offices due to them, and if they have rights and claims in consequence of their state and relations, the same is the case with ourselves. We are therefore to take all proper methods to preserve and acquire the goods both of mind and body.

[1] MSS. A and C *irascible;* MS. B *invisible.* [2] The MSS. read *the way.*

To acquire knowledge, to preserve health, reputation, possessions.

The whole must be kept within some limits; chiefly we must guard against interfering with the rights of others.

It will be proper before concluding this part of the subject, to take notice of the opinions of the ancients, particularly their enumeration of what are called the cardinal virtues.

Their cardinal virtues were *justice, temperance, prudence,* and *fortitude.* Justice included the whole of our duty to our neighbor. Humanity or benevolence you see is kept out of view, though a virtue of the first class; but all its exercises are with them ranked under the heads[3] of justice; temperance was by them considered as much more extensive than being moderate in the use of meats and drink, to which the English word is chiefly confined. The *Ενκρατεία* of the Greeks signified not only abstinence in meats and drink, but continence or purity, and a moderation of all our desires of whatever kind, of fame and riches, as well as pleasures. Prudence, even in the way they generally explain it, seems scarcely to be a moral, or[4] so much as a natural quality. Prudence they say is taking the wisest course to obtain some good end. The placing this among the cardinal virtues will show how matters stood among them. Great parts or talents were in high esteem among them. They did not very fully distinguish between a good man, and a great man. Prudence seems rather an embellishment of an illustrious character, than a moral virtue. Another reason why Prudence seems to

[3] The MSS. read *head.* [4] Omitted in the MSS.

have held such a place among the ancients was, that their chief foundation for virtue was interest, or what will produce happiness. The inquiry upon this subject was, what is the summum bonum. Now to this, prudence is very necessary. Agreeably to all this they commonly called the virtuous man, the *wise man,* and he was always an hero.

Fortitude is easily understood, and may be considered in two lights, as active and passive, which gives[5] the two great virtues of patience and valor.

One of the most remarkable qualities[6] in morals among the ancients, was the debate upon the Stoical position, that pain is no evil, nor pleasure any good. This arises from comparing external things with the temper of the mind, when it appears without doubt that the latter is of much more consequence to happiness than the former. They used to reason thus,—Outward possessions when bestowed upon a bad man, make him no better but worse, and finally more miserable. How then can these be goods[7] in themselves which become good or evil, according to the state of him that uses them. They were therefore called the things indifferent. There was something strained and extravagant in some of their writings, and perhaps ostentatious, yet a great deal of true and just reasoning. The most beautiful piece of antiquity in the moral way, is the Tablature of Cebes.

Let us now recapitulate what we have gone through,

[5] MSS. A and B *joins.*

[6] The MSS. read *questions* which is obviously correct; but the error is repeated in all the editions. [7] MS. C *good.*

and then add some observation or corrolaries on the morality of actions. We have considered,

1. The nature of man.
2. The nature, foundation, and obligation of virtue.
3. Have given a sort of general analysis of the moral laws as pointing out our duty to God, to our neighbor, and ourselves.

We must now consider all morality in general as conformity to a law. We have seen above whence this law is collected, and derives its authority. Men may differ, not only as to the foundation but as to the import or meaning of the law in some particulars, but it is always supposed that the law exists.

The morality of actions may be considered in two different lights but these very nearly related to each other. (1.) As they are ranked and disposed of by the law itself (2) in the conformity or opposition of the actions to the law.

Under the first view an action is either commanded, forbidden, or permitted.

Commanded duties oblige absolutely, and as casuists used to say, *semper non vero ad semper,* that is to say, they are obligatory upon all persons, at the seasons that are proper for them, but not upon every person at every time; because then there could be but one moral duty, all men are obliged to worship God, but this only at certain times, other duties have also their place and season.

Prohibitions oblige *semper ad semper,* all persons at all times.—We must not lie—this obliges every man

at every moment, because no time or circumstances can make it lawful.

On permission we may observe several things.

1. There is (as some say,) a two-fold permission, the one full and absolute, which not only gives us a right to certain things with impunity, but implies a positive approbation of the legislator, and the other implies only that the action is left at large, being neither commanded nor forbidden.

2. Permission in natural laws always implies the approbation of the legislator, and whatever is done in consequence of it, is innocently done, for God and conscience does not permit or pass uncondemned[8] any bad action.

3. It is otherwise in human laws, if they leave any action open, it may be done with impunity, and yet by no means with approbation. I may have a right by human laws to say things in a covered or couched manner, which yet may carry in them the highest degree of malignity.

4. The truth is when we consider the morality of action in a strict or proper manner, the whole class of permitted actions vanishes. They become by their intention and application either good or bad.

Considering actions in their conformity to the laws, a distinction arises[9] similar to the former, into *good* or just, *bad* and indifferent.

A good action must be wholly conformable to the law in its substance, and in all its circumstances. It is not

[8] MS. C *unpunished.* [9] MSS. A and B insert *sometimes.*

enough that it be materially good, the time must be proper, and the intention laudable.

A bad action is that which either in substance or in any circumstance is contrary to the law.

In consequence of this, strictly and properly speaking, all truly good or just actions are equally so, arising from a perfect conformity to the law, as all straight lines are equally straight, but all bad actions are not equally bad, as lines may be bent in a different degree from the straight direction.

Indifferent actions, (if there are any truly such,) are those that are permitted, and neither commanded nor forbidden by the law, but when we consider the spirit and principles of true morality, we shall find no actions wholly indifferent, because we are under an obligation to promote the happiness of ourselves and others, to which every action may be applied immediately or remotely; and subjection to the Divine will may make a part of our design in doing or forbearing any thing whatever.

In estimating the morality of actions several circumstances must be considered, (1) the good done (2) the principle from which it flows,—self-interest of the contracted kind, benevolence or hope of reward. (3) The hindrances or opposition that must be surmounted, as interest, inclination, difficulty. An objection seems to arise from this, not easily solved. If an action is the more virtuous, the more opposition, internal and external, that is overcome, then the longer man has had the habit of virtue, and the more completely it is formed, the less

merit in his actions. It seems also to take away all moral excellence from the Deity, who cannot be supposed to have the least opposition to encounter either from within or without. This objection cannot be easily removed, but by saying, that the opposition is in no other respect an evidence of the good moral temper, but as it shows the strength of that inclination that overcomes it, and therefore, when a moral habit is so strong as to overcome and annihilate all opposition, it is so much the more excellent.

An action good in itself, may be made criminal by an evil intention.

But no action, in itself evil, can be made lawful or laudable by a good intention.

A man is obliged to follow the dictates of conscience; yet a mistaken conscience does not wholly absolve from guilt, because he ought to have been at more pains to obtain information.

An action is not virtuous in proportion to its opposite being vicious. It is no high degree of virtue to love our offspring, or provide for a family; but to neglect either is exceedingly vicious.

One phenomenon in human nature, nearly connected with the moral feelings, has been particularly considered by some writers, viz. that there is such a disposition in the generality of men to croud to see objects of distress, as an extraordinary public execution. What is the desire that prompts to it? Is the sight of misery a pleasant feeling? Some resolve it merely into curiosity, which they consider as a natural and original impression. But

there seems to be something in it different from novelty. Others say it arises from benevolence, and is an exercise of compassion, and that we have a strong natural impulse to the affection of pity, and really feel a pleasure in indulging it. But though every well disposed mind is highly susceptible of pity, at least of all the benevolence and help that pity suggests when the object presents itself, we can scarcely say that the feeling is pleasant, or that we have a desire after such objects, in order to the gratification.

They who reason on the selfish scheme, as usual, resolve all into private interest; they say we delight to see objects of distress, because it gives a secret satisfaction in reflecting upon our own different situation. I believe there is such a satisfaction in narrow and contracted minds; but to those tolerably disposed it has an opposite effect; it makes them rather consider the calamities which they themselves are subject to, than those from which they are free.

Perhaps it would be best to take more than one principle to account for this effect—curiosity must make a part, and probably humanity and compassion, also contribute to it. It seems to be thought some little alleviation to the sufferer's misery when others pity him—Yet prudent persons knowing how unavailing this pity is, often choose to be absent.

Sympathy is a particular affection in aid of benevolence —Yet like all other private affections, when it is not moderated, it prevents its own effect—One deeply affected with the view of an object of distress, is often thereby incapacitated to assist him.

Another question is sometimes subjoined to the above,

why men have pleasure in seeing Tragedy, which is a striking representation of a melancholy catastrophe. As far as the subject differs from Comedy, it may be accounted for on the same principles with the desire to see objects of distress—But one powerful principle leads both to Comedy and Tragedy—a pleasure in the imitative arts, an exact portrait of any object whatever gives the highest pleasure, even though the object itself were originally terrible or disgusting.

We see plainly, that an indulgence of the pleasure given by a fine performance is what crowds the theatre. Unhappily, to give greater pleasure to a corrupt mind, they often invent such scenes, and conduct the matter so, as to make the stage[10] the greatest enemy to virtue and good morals.

LECTURE X.

Of Politics.

Politics contain the principles of social union, and the rules of duty in a state of society.—This is but another and more complete view of the same things drawn out more fully, and applied to particular cases.

[10] MS. C *to make the greatest hero a enemy.* Dr. Witherspoon's hostile attitude toward the stage is more strongly expressed in his "Serious inquiry into the nature and effects of the stage" (Glasgow 1757), and in his "Letter respecting play-actors," both of which may be found in his "Works." The "Letter" was dictated late in 1793 or early in 1794 in criticism of a complimentary reference by Philip Freneau in the National Gazette to the condition of the theatre in America, and was so severe that no newspaper would publish it. It appeared posthumously in the "Works."

Political law is the authority of any society stampt upon moral duty.

The first thing to be considered, in order to see upon what principles society is formed, is the state immediately previous to the social state. This is called the state of nature—Violent and unnecessary controversies have been made on that subject. Some have denied that any such thing ever existed, that since there were men, they have always been in a social state. And to be sure, this is so far true, that in no example or[1] fact, could it ever last long. Yet it is impossible to consider society as a voluntary union of particular persons, without supposing those persons in a state somewhat different, before this union took place—There[2] are rights therefore belonging to a state of nature, different from those of a social state.

And distinct societies or states independent, are at this moment in a state of nature, or natural liberty, with regard to each other.

Another famous question has been, Is the state of nature a state of war or peace? Hobbes, an author of considerable note, but of very illiberal sentiments in politics, is a strenuous advocate for a state of nature being a state of war. Hutchinson[3] and Shaftsbury plead strongly, that a state of nature is a state of society. However opposite and hostile their opinions seem to be with regard to each other, it seems no hard matter to reconcile them. That the principles of our nature lead to society—that our happiness and the improvement of our powers are only to be had in society, is of the most undoubted certainty—and that in our nature, as it is the work of God, there is a real

[1] MS. A *in*. [2] MS. C omits this sentence. [3] Hutcheson.

good-will and benevolence to others: but on the other hand, that our nature as it is now, when free and independent, is prone to injury, and consequently to war, is equally manifest, and that in a state of natural liberty, there is no other way but force, for preserving security and repelling injury. The inconveniences of the natural state are very many.[4]

One class of the above-mentioned writers say, that nature prompts to society, and the other, that necessity and interest obliges to it—both are equally true.

Supposing then the state of natural liberty antecedent to society to be a reality, let us consider the perfect and imperfect rights belonging to that state, that we may see more distinctly how, and why they differ in a social state.

The perfect rights in a state of natural liberty, are, (1.) a right to life. (2.) A right to employ his faculties and industry for his own use. (3.) A right to things that are common and necessary, as air, water, earth. (4.) A right to personal[5] liberty. (5.) A power over his own life, not to throw it away unnecessarily, but for a good reason. (6.) A right of private judgment in matters of opinion. (7.) A right to associate, if he so incline, with any person or persons, whom he can persuade (not force)—Under this is contained the right to marriage. (8.) A right to character, that is to say, innocence (not fame)—It is easy to perceive that all these rights belong to a state of natural liberty, and that it would be unjust and unequal for any individual to hinder or abridge another in any one of them, without consent, or unless it be in just retaliation for injury received.

[4] MS. C omits sentence. [5] MS. A *natural.*

The imperfect natural rights are very numerous, but they are nearly the same in a state of nature as in a state of society, as gratitude, compassion, mutual good offices—if they will be no injury to the person performing them—Indeed they must be the same in a natural and in a social state, because the very definition of an imperfect right is such as you cannot use force to obtain. Now, what you ought not to use force to obtain in a state of natural liberty, human laws in a well constituted state will not give you.

Society I would define to be an association or compact of any number of persons, to deliver up or abridge some part of their natural rights, in order to have the strength of the united body, to protect the remaining, and to bestow others.

Hobbes and some other writers of the former age, treat with great contempt, this which is generally called the social compact.—He insists that monarchy is the law of nature. Few are of his sentiments now, at least in Britain, yet it is proper to trace them to the foundation.

It is to be admitted, that society began first insensibly by families, and almost necessarily. Hence parental authority was the first law, and perhaps it extended for two or three generations in the early ages. Though the patrons of monarchy use this as an argument, it does not favor their scheme—This which they call the patriarchal government, could not extend far; or supposing it could, there would be but one rightful king in all the earth, the lineal descendant of Adam's eldest son,[6] not to mention

[6] MS. A omits *eldest son.*

that the very order of succession in hereditary right, has never been uniform, and is but of late, settled in the European nations.

The truth is, though man for wise reasons, afterwards to be noticed, continues longer in a family dependance, than other animals, yet in time he becomes sui juris, and when their numbers are increased, when they either continue together or remove and form distinct societies, it is plain that there must be supposed an expressed or implied contract.

Some say there is no trace or record of any such contract in the beginning of any[7] society. But this is no argument at all, for things inseparable from, and essential to any state, commonly take place so insensibly, that their beginning is not observed.

When[8] persons believe themselves upon the whole, rather oppressed than protected in any society, they think they are at liberty, either to rebel against it, or fly from it; which plainly implies that their being subject to it, arose from a tacit consent.

Besides in migrations and planting of colonies, in all ages, we see evident traces of an original contract and consent taken to the principles of union.

From this view of society as a voluntary compact, results this principle, that men are originally and by nature equal, and consequently free.

Liberty either cannot, or ought not to be given up in

[7] MS. A *every;* MS. C *beginning of society.*

[8] MS. C *Yet I believe there are some signs of such contracts in early ages, when persons,* etc., and punctuates with a semi-colon after *society.* MS. A *Many persons believe,* etc.

the social state—The end of the union should be the protection of liberty, as far as it is a blessing. The definition of liberty in a constituted government, will be afterwards explained.

Some observe, that few nations or societies in the world have had their constitutions formed on the principles of liberty: perhaps not one twentieth of the states that have been established since the beginning of the world have been settled upon principles altogether favorable to liberty. This is no just argument against natural liberty and the rights of mankind; for it is certain, that the public good has always been the real aim of the people in general, in forming and entering into any society. It has also constantly been at least the professed aim of legislators.[9] Therefore the principle seems to have been admitted, only they have failed or been disappointed in practice, by mistake or deceit. Though perhaps not one twentieth part of mankind have any tolerable skill in the fine arts, it does not follow that there are no such arts, or that the principles of them are not founded in nature.

Reason teaches natural liberty, and common utility recommends it. Some nations have seen this more clearly than others, or have more happily found the means of establishing it.

Here perhaps we should consider a little the question, whether it is lawful to make men or to keep them slaves, without their consent? This will fall afterwards to be considered more fully: in the mean time, observe that in every state there must be some superior and others in-

[9] MS. A *pretence of Legislature.*

ferior, and it is hard to fix the degree of subjection that may fall to the lot of particular persons. Men may become slaves, or their persons and labor be put wholly in the power of others by consent. They may also sometimes in a constituted state, be made slaves by force, as a punishment for the commission of crimes. But it is certainly unlawful to make inroads upon others, unprovoked, and take away their liberty by no better right than superior power.

It has sometimes been doubted, whether it is lawful to take away the liberty of others for life, even on account of crimes committed. There can be no strong reason given against this, except that which is supposed to operate in Great Britain against making malefactors slaves, that it would be unfavorable to rational[10] liberty to see any rank of men in chains. But setting this aside, it seems plain that if men may forfeit their lives to the society, they may also forfeit their liberty, which is a less precious blessing.

It seems also more agreeable both to equity and[11] public utility to punish some sorts of crimes, with hard labor, than death. Imprisonment for life, has been admitted and practised[12] by all nations—Some have pleaded for making slaves of the barbarous nations, that they are actually brought into a more eligible state, and have more of the comforts of life, than they would have had in their own country. This argument may alleviate, but does not justify the practice. It cannot be called a more eligible state, if less agreeable to themselves.[13]

Upon[14] the whole, there are many unlawful ways of

[10] MS. A *natural;* MSS. B and C *national.* [11] MS. A omits *both to equity and,* and inserts *to.* [12] MSS. A and B omit *and practised.* [13] MS. A omits this sentence. [14] MSS. A and B *Upon the whole*

making slaves, but also some that are lawful—And the practice seems to be countenanced in the law of Moses, where rules are laid down for their treatment, and an estimation of injuries done to them, different from that of free men. I do not think there lies any necessity on those who found men in a state of slavery, to make them free to their own ruin. But it is very doubtful whether any original cause of servitude can be defended, but legal punishment for the commission of crimes. Humanity in the manner of treating them is manifestly a dictate of reason and nature,[15] and I think also of private and public utility, as much as of either.

The next step in opening the principles of the social state, is to consider the foundation, establishment and extent of *Property*. Some begin this by considering the property of man in general in the inferior creatures. Has he any right to use the lower irrational animals for labour, or food, or both?

It is needless to refine too much upon this subject.

there are many ways of making slaves unlawfully, but supposing the title just the practise seems to be countenanced by the Law of Moses. I do not think, etc. In this connection it may be noted that in 1790 President Witherspoon, while a member of the New Jersey Legislature, was chairman of a committee on the abolition of slavery in the state, and brought in a report advising no action, on the ground that the law already forbade the importation of slaves and encouraged voluntary manumission. He suggested, however, that the state might enact a law that all slaves born after its passage should be free at a certain age—e.g. 28 years, as in Pennsylvania, although in his optimistic opinion the state of society in America and the progress of the idea of universal liberty gave little reason to believe that there would be any slaves at all in America in 28 years' time, and precipitation therefore might do more harm than good.

[15] MS. A omits rest of paragraph.

To use them for labor seems evidently lawful, as they are inferior, with strength fitted for it,[16] and strength which they could not employ for the improvement and cultivation of the earth without the direction of man. They seem to be to man, some how as the body to mind. They help to produce food for themselves and so increase their number and receive much more sensual[17] pleasure, sharing in all respects with their masters the fruit of their toil.

To use them for food is thus argued[18] to be lawful.—If suffered all to live, they would become too numerous, and could not be sustained,[19] so that death to many of them in a much worse way must be the certain consequence. Further, nature seems to dictate the use of them for food in the plainest manner, for they are food for one another in a regular gradation, the insects to the birds and fishes, many of them to the beasts,[20] and the smaller to the greater, or the tamer to the more rapacious of every order.

If we take tradition or Revelation for our guide, the matter is plain, that God made man lord of the works of his hands, and puts under him all the other creatures. Only it appears that the grant of animal food was made no earlier than to Noah after[21] the flood.

Let us next consider the establishment of private property. Private property is every particular person's having a confessed[22] and exclusive right to a certain por-

[16] MS. A omits rest of sentence. [17] MS. A *essential.* [18] The MSS. read *agreed.* [19] MSS. A and B omit rest of sentence. [20] MSS. A and B omit this clause. [21] MS. A omits *to Noah after.* [22] MSS. A and B *clear.*

tion of the goods which serve for the support and conveniency of life.

In a very imperfect state of society community of goods may subsist in a great degree,[23] and indeed its subsisting is one of the surest signs of an imperfect state of society. Some attempts have been made in civilized states to introduce it,[24] but without any considerable effect, except in Sparta, the constitution of which was very singular. In small voluntary societies, especially of the religious kind, it may be established,[25] and will continue so long as the morals of the society are pure. But in civil society fully formed, especially if the state is at all extensive or intended to be so,[26] private property is essentially necessary, and founded upon the reason[27] of things and public utility. The reasons of it are (1) without private property no laws would be sufficient to compel universal industry. There never was such a purity of manners and zeal for the public in the individuals of a great body, but that many[28] would be idle and slothful and maintain themselves upon the labor of others.

2. There is no reason to expect in the present state of human nature, that there would be a just and equal distribution to every one according to his necessity, nor any room for distinction according to merit.

3. There would be no place for the exercise of some

[23] MS. A omits rest of sentence. [24] MSS. A and B omit rest of sentence. [25] MSS. A and B *has been established* and omit rest of sentence. [26] MSS. A and B *intended to grow.* [27] MS. A *upon reason, and the nature of things.* MSS. B and C *upon the reason and nature of things.* [28] MSS. A and B omit preceding part of the sentence and read *numbers would be idle,* etc.

of the noblest affections of the human mind, as charity, compassion, beneficence, &c.

4. Little or no incitement to the active virtues, labor, ingenuity, bravery, patience, &c.

Some have laid down schemes for making property common, as Sir Thomas Moore[29] in his Utopia; but in general they are chimerical and impracticable.[30] There is no instance in fact where any state that made a figure in the social life, had their goods wholly in common. Sparta had the most of it, but it was a very small state, and limited in its views; besides there was something so singular in the whole constitution of the Spartan government, that its subsisting so long, remains a phenomenon for politicians and reasoners yet to account for.

Supposing private property to be essential, or at least useful in the social state, the next question is,[31] how does this property take its rise, or by what ways is it acquired.

The original ways of acquiring property may be reduced to these two (1) Prior occupation (2) our own industry.

As to the first of these, it may be analysed thus. Of the things that lay in common for the use of man, I have a right to take what is convenient for me,[32] and after I have taken it no body can have a better right nor consequently any title to take it from me.

But many questions difficult to be resolved arise from

[29] The spelling of Sir Thomas More's name remains uncorrected in all the editions. [30] MS. A omits *and impracticable.*

[31] MSS. A and B *the next question is, how it is acquired?*

[32] MS. B omits the rest of sentence.

the application of this principle. How far does this right extend? Must I take only what is sufficient for the present moment, or may I provide for future necessities and enjoyment. In vacant lands must I take only what I and my present followers can sufficiently occupy, or may I touch a continent and call it mine, though I shall not be able to fill it in many ages. I answer common utility must be the rule in all these cases, and any thing more particular, must be reserved till we come to the law of nations.

Some say that the water in large bays and rivers ought to be common to all,[33] because it is inexhaustible and one's using it cannot waste or spoil it for the use of others. But the security of societies will point out the measure of property that must be in all those things.

The extent or object of property contains three particulars (1) a right to the fullest use. Whatever is a person's property he has a right to do with it as he pleases, with this single exception, if it may be called so, that he may not use it to the injury of others. Full property has no other exception, unless you call this an exception. that if any man would wantonly destroy the fruits of the earth, or his habitation; in that case though they were his own, people would hinder him, as supposing him to be mad,[34] and deprive him not only of that liberty, but of all others.

2. Property implies a right of exclusion. We may hinder others from any way intermedling with what is

[33] MSS. A and B omit rest of sentence.
[34] MSS. A and B omit rest of sentence.

our property. This seems essential to the idea. Giving[35] a full right to one,[36] implies that others have none.

3. It implies a power to alienate. That is to say, a right of alteration, commutation, donation, during life, and disposal at death. Thus property is said to be perpetual.

There are certain things called by Civilians Res nullius, such as temples, public edifices, gates and walls of cities, &c. Temples used to be said to be given to God, and in the laws of civilized states, attention is paid to this circumstance. But as to the property or use, the case of them and of all the other things mentioned, is very clear. They are under the inspection of the magistrate, or such persons as represent the community, and are by them kept for common use.[37]

LECTURE XI.

In the social life in general we may consider, (1) domestic, (2) civil society.

The first of these we must consider as implying and made up of several relations, the chief of which are (1) the relation of marriage, (2) That of parents and children, (3) that of master and servant.

In marriage we ought to observe that though all crea-

[35] MSS. A and C *having.* [36] MSS. A and C *our property.* [37] The MSS. read *They belong to the public and are for common use, and the particular administration of them, is in the Magistrates, Rulers, or such Persons as represent the community.* MS. B adds *and are by them kept for common use.*

tures may be said to be propagated in a way in a great degree similar, yet there is something peculiarly distinguished, dignified and solemn in marriage among men. This distinction is necessary and founded in reason and nature.

Human creatures at their birth are in a state weaker and more helpless than any other animals. They also arrive much more slowly at maturity, and need by far most assistance and cultivation. Therefore a particular union of the parents is absolutely necessary,[1] and that upon such powerful principles as will secure their common care. Marriage is a relation expressly founded upon this necessity and must be so conducted as to ascertain the property of the offspring, and to promise the most assiduous, prudent and extensive care.

This is the foundation of marriage drawn from the public good. But we ought also to observe that man[2] is manifestly superior in dignity to the other animals, and it was intended that all his enjoyments and even his indulgence of instinctive propensities should be of a more exalted and rational kind than theirs. Therefore the propensity of the sexes to one another,[3] is not only reined in by modesty, but is so ordered as to require that reason and friendship, and some of the noblest affections should have place. And it is certain that they have if not a more violent, at least a more lasting and uniform influence in the married state than sensual desire.

It is further observed by moral writers, that though beauty and personal attraction may be considered as the

[1] MSS. A and C omit rest of sentence.
[2] MSS. A and C omit to *was intended.*
[3] MSS. A and C omit to *is so ordered.*

first motives, yet these are always supposed to be indications of something excellent in the temper within. So that even love of beauty in man is an attachment to moral excellence. Let a person attend with seriousness, and he will find that the utmost perfection of form in an idiot, or one thoroughly known to be of a very bad temper, is really no object of desire. Though in those who are little known it is apt to prejudice the ignorant and unwary to judge favorably of the person.

The particulars which reason and nature point out relating to the marriage contract are as follow:

1. That it be between one man and one woman. Polygamy is condemned by nature; for it is found that the males born, are to the females as 13 to 12, or as some say, as 20 to 19, the overplus being to supply the greater waste of the male part of the species by war and dangerous occupations,[4] hard labor, and travelling by land and sea.

2. The fundamental and essential part of the contract is fidelity and chastity. This must immediately appear to be essential to the purpose of the union. Some writers say that this is especially binding upon the woman, in order to ascertain the offspring; but every body must see the absurdity of any distinction, because the contract would neither be equal, nor likely to be steadily observed if it were not mutual. Besides, as a late author has well observed, if chastity be a female virtue, how can men be unchaste without infringing upon it?

3. The contract should be for life—otherwise it would be short, uncertain, and mutual love and industry greatly weakened.

[4] The MSS. omit rest of sentence.

4. If superiority and authority be given to the man, it should be used with so much gentleness and love as to make it a state of as great equality as possible. Hutchinson and some other writers say there should be no superiority, and that their property being common, should not be alienated by the one without the other. Others think that perfect equality of power in two persons is not consistent with order, and the common interest, and therefore give authority to the man, and the laws of most nations give the man the disposal of property, with the reservation of particular rights to the woman.

Some heathen writers gave the man power of life and death over the woman, a thing evidently barbarous and unjust.

5. Marriages are sometimes dissolved by divorces, which our law permits only on three accounts—adultery, wilful and obstinate desertion, and incapacity. The first two of these founded on the New Testament, and the last on reason, being not so properly a dissolution of a marriage, as a declaration that it was void from the beginning, and never took place.

Some writers of moral philosophy add as causes of divorce contrariety of temper, incurable diseases, and such as would infect the offspring. But none of them seem of sufficient moment. The first would be an evident temptation to causeless[5] and wanton separations—and all the three may be guarded against by previous caution.

Hutchinson[6] observes that in all nations, marrying in near degrees of consanguinity or affinity has been avoided and abhorred; and he adds, that the natural and gen-

[5] MS.C *careless.* [6] MSS. B and C *Hutcheson.*

eral abhorrence of it has been greater than reason seems to dictate. Hence it has been conjectured to have been early tradition or revelation—and men have exercised their invention in finding out the true reason or ground of the prohibition.

One reason assigned is, because if marriage were lawful to near relations, their frequent intercourse would be a strong temptation to uncleanness.

Another; that if permitted it would frequently confound or invert the duties of relations by setting some above others whom they formerly used to obey.

A third reason, and perhaps the best is, that abstaining from blood relations in this voluntary contract extends the social ties, and produces a greater number of family relations.

Whatever be the moral reasons, it seems to have a strong sanction in nature; for it is observed that marriage between near relations, especially if repeated, greatly weakens the human race.

As to the extent of this prohibition, it has been various in different nations, but the most prevailing has been to forbid all within three degrees. The degrees are reckoned by the steps of descent between the parties and the common parent. Parent and child is the first—child and child, the second—child and grand-child, the third—and two grand-children or first cousins the fourth—when it becomes lawful.

Relation of Parents and Children.

The first thing to be observed is, that this relation is distinguished by the strongest instinct of parental affec-

tion. This seems necessary, as the education of children is a duty requiring so much time, care and expense, which nothing but the most rooted affection would submit to.

The rights of the parent may be summed up in these two: 1. Authority, which requires subjection in the children. 2. A right to a grateful return in due time from the children. The first is a perfect right, as far as it extends, but must be limited.

Some nations have given parents the power of life and death over their children, and Hobbs insists that children are the goods and absolute property of their parents, and that they may alienate them and sell them either for a time, or for life. But both these seem ill founded, because they are contrary to the end of this right, viz. instruction and protection. Parental right seems in most cases to be limited by the advantage of the children.

Children are no doubt to judge for themselves in matters of religion when they come to years, though the parents are under the strongest obligation to instruct them carefully to the best of their judgment. Those who insist, that to leave them their judgment free they ought not to be taught any principles, ought to consider that their scheme is impracticable and absurd. If the parents do not instruct them, they will imbibe prejudices and contract habits perhaps of the worst kind from others.

Children in most nations are considered as having a right exclusive of their parents to property given them by others.

Many nations have given the parents a right to dispose of their children in marriage; but this seems to be carrying parental authority too far, if it be made abso-

lute, because it puts in the power of the parent to dispose of what is most essential to their happiness through the whole of their future life. Yet it seems very contrary to reason and nature that children in early life should dispose of themselves in marriage without consulting their parents.

Since we have denied the power of life and death to parents, it will be asked what is the sanction of their authority? I answer, moderate correction in early life, and as the very highest punishment, expulsion from their family, or a forfeiture of the privileges which they despise.[7]

As to the right to a grateful return, it is an imperfect right, but of the strongest kind—sometimes the civil authority interposes, and obliges children to maintain their aged parents.

To the disgrace of human nature it is often observed, that parental affection is much stronger than filial duty. We must indeed acknowledge the wisdom of Providence in making the instinctive impulse stronger in parents towards their children, than in children towards their parents; because the first is more necessary than the other to the public good; yet when we consider both as improved into a virtuous disposition by reason and a sense of duty, there seems to be every whit as much baseness in filial ingratitude, as in want of natural affection.

Relation of Master and Servant.

This relation is first generated by the difference which God hath permitted to take place between man and man.

[7] MS. C *enjoy.*

Some are superior to others in mental powers and intellectual improvement—some by the great increase of their property through their own, or their predecessors industry, and some make it their choice, finding they cannot live otherwise better, to let out their labor to others for hire.

Let us shortly consider (1.) How far this subjection extends. (2.) The duties on each side.

As to the first it seems to be only that the master has a right to the labors and ingenuity of the servant, for a limited time, or at most for life. He can have no right either to take away life, or to make it insupportable by excessive labor. The servant therefore retains all his other natural rights.

The practice of ancient nations, of making their prisoners of war slaves, was altogether unjust and barbarous; for though we could suppose that those who were the causes of an unjust war deserved to be made slaves; yet this could not be the case of all who fought on their side; besides, the doing so in one instance, would authorise the doing it in any other; and those who fought in defense of their country, when unjustly invaded, might be taken as well as others. The practice was also impolitic, as slaves never are so good or faithful servants, as those who become so for a limited time by consent.

LECTURE XII.

Of Civil Society.

Civil society is distinguished from domestic, in the union of a number of families in one state, for their mutual benefit.

We have before affirmed, that society always supposes an expressed or implied contract or agreement. Let us now see what this agreement necessarily implies.

(1.) The consent of every individual to live in, and be a member of that society. (2.) A consent to some particular plan of government. (3.) A mutual agreement between the subjects and rulers; of subjection on the one hand, of protection on the other—These are all implied in the union of every society, and they compleat the whole.

Any objections that may be raised against this, are easily solved. Ex. Gr. Though every individual has not given an actual consent, yet his determination to live with any society implies it. Again, if it be asked how children come to be members of a society; it is answered, they receive the benefits and partake of the rights of the society during the whole time of their education, and as they come to the use of reason, they both claim the privilege, and acquiesce in the duty of citizens—And if they find any thing insupportable in their condition, they may alter it at their pleasure.

Have then all subjects a right when they see fit, to remove from the society in which they are? I answer that in all ordinary cases they ought to have, at least in time of peace. Perhaps it may be affirmed with justice, that they

who have enjoyed the privileges of any society in time of peace, if war or danger to the public should arise, they may be hindered from emigrating at that time, and compelled to contribute their share in what is necessary to the common defence.

Whatever is the form of government in any society, the members may be divided into two classes, the *rulers* and the *ruled,* the magistrates and subjects.

The rights of rulers may be divided into essential and accidental: the essential, such as in general must be vested in rulers in every society; the accidental, such as may be given to the rulers in some societies, but not in others.

The essential rights of rulers, are what require most to be enumerated, and these again by some good writers are divided into greater and lesser essentials.

Of the first kind are, (1.) Legislation. (2.) Taxation for the public expence. (3.) Jurisdiction, or the administration of justice. (4.) Representation, or appearing and acting in name of the whole, in all transactions, with adjacent independent states, chiefly for the purpose of making war or peace.

The less essential rights of rulers are many, and they are called less essential, because they may be more varied than the others; such as, coining of money—possessing or managing public edifices—conferring honors on officers,[1] &c.

The rights of subjects in a social state, cannot be enumerated, but they may be all summed up in *protection,* that is to say, those who have surrendered part of their

[1] MSS. B and C *conferring offices.*

natural rights, expect the strength of the public arm to defend and improve what remains.

It has been often said, that government is carried on by rewards and punishments; but it ought to be observed, that the only reward that a state can be supposed to bestow upon good subjects in general, is protection and defence. Some few who have distinguished themselves in the public service, may be distinguished by particular rewards; but to reward the whole is impossible, because the reward must be levied from those very persons to whom it is to be given.

After what has been said on the foundation of society, viz. consent, perhaps it may be necessary to mention two exceptions.

1. It is said by some with apparent reason, that a few persons if accidentally armed with power, may constrain a large ignorant rabble to submit to laws which will be for their good. This I would admit in some cases, when there is an evident madness and disorder in the multitude, and when there is a moral certainty that they will afterwards be pleased with the violence done them. But in general it is but a bad maxim that we may force people for their good. All lovers of power will be disposed to think that even a violent use of it is for the public good.

2. Though people have actually consented to any form of government, if they have been essentially deceived in the nature and operation of the laws, if they are found to be pernicious and destructive of the ends of the union, they may certainly break up the society, re-

call their obligation, and resettle the whole upon a better footing.

Of the different forms of government.

As soon as men began to consider and compare forms of government, they divided them into three general and simple kinds, (1) monarchy, (2) aristocracy, (3) democracy. These are called simple, because they are clearly distinguishable from each other in their nature and effects. The ancients generally divided the forms of government in this manner, because most of their governments were of one or other of these kinds with very little mixture.[2]

Monarchy is when the supreme power is vested in a single person. Mr. Hutchinson[3] says, monarchy may be either absolute or limited; but this is an inaccuracy, for limited monarchy is one of the mixed kinds of government.

But monarchy may be either temporary or for life. The Roman dictators were absolute for a time, and so long as they continued, the government was purely monarchical, all other powers being dormant.

Monarchy may also be either hereditary or elective.

Aristocracy is that form of government in which the supreme power is lodged with a small number of nobles. This is capable of the same variations as monarchy, and it may be either temporary or perpetual, hereditary or elective, with this difference, that a temporary or elective aristocracy always puts some power in the hands of the people. The most complete aristocracy is when the

[2] MS. C *alteration.* [3] MS. B *Hutcheson.*

ruling party have the power of cooptation within themselves, and can fill up as they please, the vacancies made by deaths or resignation.

Democracy is when the supreme power is left in the multitude. But as in large governments the people in a collective body cannot well meet together, nor could they transact business with any convenience if they did, they may meet by representatives chosen either by the whole, or by particular districts.

From those simple forms are generated many complex forms; two of them may be compounded together, either in equal or in different proportions, or all these may be united, as in the British[4] government.

After pointing out the simple forms of government, it will be proper to make some general observations upon government, and apply them to the various forms, to show whether any of them is preferable to the other, and the advantages and defects of each in particular.

I. There are four things that seem to be requisite in a system of government and every form is good in proportion as it possesses or attains them, (1) wisdom to plan proper measures for the public good. (2) Fidelity to have nothing but the public interest in view. (3) Secrecy, expedition, and dispatch in carrying measures into execution, and (4) unity and concord, or that one branch of the government may not impede, or be a hindrance to another.

Monarchy has plainly the advantage in unity, secrecy, and expedition.[5] Many cannot so easily nor so speedily

[4] MSS. A and C *our own;* so also in MS. B but corrected by later hand to *British.* [5] MS. C omits sentence.

agree upon proper measures, nor can they expect to keep their designs secret; therefore say some, if a man could be found wise enough, and just enough for the charge, monarchy would be the best form of government. Accordingly we find that in the command of a ship, fleet or army, one person is commonly intrusted with supreme power; but this does not apply to states, for many reasons. No man can be found who has either skill sufficient, or if he had, could give attention to the whole departments of a great empire. Besides, in hereditary monarchies there is no security at all for either wisdom or goodness, and an elective monarchy, though it may seem to promise ability, has been always found in experience worse than the other, because there is no reason to expect that an elected monarch will have the public good at heart, he will probably mind only private or family interest.

Aristocracy has the advantage of all the others for *wisdom* in deliberations, that is to say, a number of persons of the first rank must be supposed by their consultations to be able to discover the public interest. But it has very little, or no prospect of fidelity or union. The most ambitious projects, and the most violent and implacable factions often prevail in such states.

Democracy has the advantage of both the others for fidelity; the multitude collectively always are true in intention to the interest of the public, because it is their own.[6] They are the public. But at the same time it

[6] MS. C *The multitude are always faithful to their interest because they are the public.* MS. B reads *attention* for *intention.*

has very little advantage for wisdom, or union, and none at all for secrecy, and expedition. Besides, the multitude are exceeding apt to be deceived by demagogues[7] and ambitious persons. They are very apt to trust a man who serves them well, with such power as that he is able to make them serve him.

If the true notion of liberty is the prevalence of law and order, and the security of individuals, none of the simple forms are favorable to it.

Monarchy, every one knows is but another name for tyranny, where the arbitrary will of one capricious man disposes of the lives and properties of all ranks.

Aristocracy always makes vassals of the inferior ranks, who have no[8] hand in government, and the great, commonly rule with greater severity than absolute monarchs. A monarch is at such a distance from most of his subjects, that he does them little injury; but the lord of a petty seignory is a rigorous task master to his unhappy dependants. The jealousy with which the members of an aristocratical state defend their own privileges is no security at all for humanity and easy treatment to their inferiors. Example—the Spartans; their treatment of the Helots—and the barons in all the feudal governments, in their treatment of their vassals.

Pure democracy cannot subsist long, nor be carried far into the departments of state—it is very subject to caprice and the madness of popular rage. They are also very apt to chuse a favorite and vest him with such power as overthrows their own liberty,—examples, Athens and Rome.

[7] MS. B *dangerous.* [8] MS. C *any.*

Hence it appears that every good form of government must be complex, so that the one principle may check the other. It is of consequence to have as much virtue among the particular members of a community as possible; but it is folly to expect that a state should be upheld by integrity in all who have a share in managing it. They must be so balanced, that when every one draws to his own interest or inclination, there may be an over poise upon the whole.[9]

II. The second observation upon the forms of government is, that where there is a balance of different bodies, as in all mixed forms, there must be always some *nexus imperii,* something to make one of them necessary to the other. If this is not the case, they will not only draw different ways, but will often separate altogether from each other.[10] In order to produce this *nexus,* some of the great essential rights of rulers must be divided and distributed among the different branches of the legislature. Example in the British government, the king has the power of making war and peace,—but the parliament have the levying and distribution of money, which is a sufficient restraint.

III. The third observation is that the ruling part of any state must always have considerable property, chiefly of lands. The reason is, property has such an invariable influence, that whoever possesses property must have power. Property in a state is also some security for fidelity, because interest then is concerned in the public welfare.

For this reason did men in every state live entirely by

[9] Lecture XIII. begins here in MS. A. [10] MS. C omits sentence.

agriculture, an agrarian law would be necessary to liberty, because if a vast proportion of property came into a few hands, they would soon take all power to themselves. But trade and commerce supercede the necessity of this, because the great and sudden fortunes accumulated by trade cause a rotation of property.

IV. In a well formed state the subjects should not be too numerous nor too few. If very numerous, the principles of government cannot exert their force over the whole. The Roman empire fell by its own weight. If the subjects are too few, they are not sufficient to suppress internal insurrections, or repel attacks from without.

V. It is frequently observed, that in every government there is a supreme irresistible[11] power lodged some where, in king, senate, or people. To this power is the final appeal in all questions. Beyond this we cannot go. How far does this authority extend? We answer as far as authority in a social state can extend,[12] it is not accountable to any other tribunal, and it is supposed in the social compact that we have agreed to submit to its decision. There is however an exception; if the supreme power wherever lodged, come to be exercised in a manifestly tyrannical manner, the subjects may certainly if in their power, resist and overthrow it. But this is only when it becomes manifestly more advantageous to unsettle the government altogether, than to submit to tyranny. This resistance to the supreme power however, is subverting the society altogether, and is not to be attempted till the government is so corrupt as that anarchy and the un-

[11] MS. C omits. [12] MS. C omits *We answer . . . . extend.*

certainty of a new settlement is preferable to the continuance as it is.

This doctrine of resistance even to the supreme power is essentially connected with what has been said on the social contract, and the consent necessary to political union. If it be asked who must judge when the government may be resisted, I answer the subjects in general, every one for himself. This may seem to be making them both judge and party, but there is no remedy. It would be denying the privilege altogether, to make the oppressive ruler the judge.

It is easy to see that the meaning of this is not, that any little mistake of the rulers of any society will justify resistance. We must obey and submit to them always, till the corruption becomes intolerable, for to say that we might resist legal authority every time we judged it to be wrong, would be inconsistent with a state of society, and to the very first idea of subjection.

The once famous controversy on passive obedience and non-resistance, seems now in our country to be pretty much over; what the advocate for submission used to say was, that to teach the lawfulness of resisting a government in any instance, and to make the rebel the judge, is subversive of all order, and must subject a state to perpetual sedition; to which I answer, to refuse this inherent right in every man, is to establish injustice and tyranny, and leave every good subject without help, as a tame prey to the ambition and rapacity of others. No doubt men may abuse the privilege, yet this does not make it void. Besides it is not till a whole people rise,

that resistance has any effect, and it is not easy to suppose that a whole people would rise against their governors, unless when they have really received very great provocation. Whereas on the other hand, nothing is more natural than for rulers to grasp at power, and their situation enables them to do it successfully by slow and insensible encroachments. In experience there are many instances of rulers becoming tyrants, but comparatively, very few of causeless and premature rebellions. There are occasional and partial[13] insurrections in every government. These are easily raised by interested persons, but the great majority continues to support order.

VI. Dominion, it is plain from all that has been said can be acquired justly only one way, viz. by consent. There are two other ways commonly mentioned, both of which are defective,[14] inheritance and conquest. Hereditary power which originally rose from consent and is supposed to be founded upon the continuance of consent, (as that of the hereditary power in a limited monarchy) is as lawful as any, but when they pretend such a right from nature, is[15] independent of the people, it is absurd.

That which is called the right of conquest ought to be exploded altogether. We shall see by and by what is the right of a conqueror in a just war. It was his right before, and he obtains possession of it by conquest. But to found any claim merely on conquest is not a right, but robbery.

Upon the whole, I will conclude with a few remarks

[13] MSS. B and C *personal.* [14] MS. A *defended.* [15] MSS. A and C *and.*

upon the spirit and tendency of different forms of government.

1. Monarchical government has a tendency to politeness and elegance of manners, and generally to luxury. The submission and obsequiousness practised at the court of a monarch, diffuses itself through the whole state.

2. Aristocracy narrows the mind exceedingly, and indeed cannot long submit in a large state. A small[16] aristocracy however may submit as a form of government, as long as any other method, or longer.

3. Democracy tends to plainness and freedom of speech, and sometimes to a savage and indecent ferocity. Democracy is the nurse of eloquence, because when the multitude have the power, persuasion is the only way to govern them.

Let us now ask this short question, what is the value and advantage of civil liberty?

Is it necessary to virtue? This cannot be supposed. A virtuous mind and virtuous conduct is possible, and perhaps equally possible in every form of government.

Is it necessary to personal private happiness? It may seem so. We see the subjects of arbitrary governments however not only happy, but very often they have a greater attachment to their form of government than those of free states have to theirs. And if contentment be necessary to happiness, there is commonly more impatience and discontent in a free state than in any other. The tyranny even of an absolute monarch does not affect with personal injury any of his subjects but a few, and chiefly those who make it their choice to be near him. Perhaps

[16] MS. C general.

in free governments the law and the mob do more mischief to private property than is done in any absolute monarchy.

What then is the advantage of civil liberty? I suppose it chiefly consists in its tendency to put in motion all the human powers. Therefore it promotes industry, and in this respect happiness,—produces every latent quality, and improves the human mind.—Liberty is the nurse of riches, literature and heroism.[17]

LECTURE XIII.

Of the Law of Nature and Nations

The next thing in order, is to treat of what is called the law of *nature* and *nations*. It has been before observed, that separate and independent states are with regard to one another in a state of natural liberty, or as man to man before the commencement of civil society. On this several questions arise. (1) Is there any such law? (2) What is the law? (3) What is its sanction, or how is it to be enforced?

That there is such a law is plain from the reasons that show the obligation which one man lies under to another. If there are natural rights of men, there are natural rights of nations. Bodies politic in this view, do

[17] MS. A *persuasion*. MS. B omits the entire sentence. The views here summarised are more fully stated in a "Dialogue on Civil Liberty" delivered in Nassau Hall in January 1776 by undergraduates as an oratorical exercise, and revised if not actually prepared by Dr. Witherspoon. It was printed in the *Pennsylvania Magazine* for April 1776.

not differ in the least from individuals. Therefore as before, reason, conscience, and common utility, show that there is a law of nature and nations.

The question what it is? Must be considered in the same manner. I am not able to recollect any perfect or imperfect right that can belong to one man, as distinguished from another, but what belongs to nations, save that there is usually less occasion for the imperfect rights. If we read over the perfect rights, in a state of natural liberty, we shall see they all apply to nations.[1]

It will also appear that the imperfect rights apply; but the occasions of exerting them are much more rare. For example, it is more rare to see a nation in a state of general indigence, so as to require a supply. Yet this sometimes happens. It did so in the case of Portugal, at the time of the great earthquake at Lisbon. And the other nations of Europe lent them assistance. It is also from this principle that ships of different nations, meeting at sea, will do acts of humanity to one another. Some times also there are national[2] favors that deserve national[2] gratitude. But this is seldom merited, and I believe, still seldomer paid.

As to the sanction of the law of nature and nations, it is no other than a general sense of duty, and such a sense of common utility, as makes men fear that if they notoriously break these laws, reproach and infamy among all nations will be the effect, and probably resentment and indignation by common consent.

The violation of the natural rights of mankind being a transgression of the law of nature, and between nations as

[1] MS. C omits this sentence. [2] MS. A *natural.*

in a state of natural liberty, there being no method of redress but force, the law of nature and nations has as its chief or only object the manner of making *war* and *peace.*

In war it is proper to consider distinctly (1.) The causes for which a just war may be carried on. (2.) The time of commencing. (3.) The duration. (4.) The means by which it may be carried on.

As to the first, the causes of commencing war are according to the principles above laid down, the violation of any perfect right—as taking away the property of the other state, or the lives of its subjects, or restraining them in their industry, or hindering them in the use of things common, &c. There is only one perfect right, the violation of which does not seem to be a cause of war; I mean that by which we have a right to character. National[3] calumny is scarcely a cause of war,[4] because it cannot be frequent or of great effect. The violation of imperfect rights cannot usually be a cause of war between nations; yet a case may be supposed, in which even these would be a just cause of war. Suppose a ship of any nation should go into a port of another, in the greatest distress, and not only the people in general, but the governing part of the society should deny them all assistance—This would be an act of such notorious inhumanity, and of such evil example, that it may justify national resentment; and yet even here, I think there should first be a demand of justice upon the offending persons, before vengeance should be taken upon the state.

These are the just and legitimate causes of making war. Some add to them, that when a nation is seen to put it-

[3] MS. A *natural.*

[4] MS. B omits to *between nations.*

self in such a situation as to defence, or as to the means of annoying others, that it seems to threaten hostilities, then we are not obliged to wait till it hath committed actual injury, but may put it in a state of incapacity: but there is no other truth in this, but what is founded upon the other; for the preservation of our property implies, that if others take such measures as are not to be accounted for but upon the supposition of an intention of wronging me, it is often easier and safer to prevent and disarm the robber, than to suffer him to commit the violence, and then to strip and rob him of his prey.

One thing more is to be added, that every nation has a right to join which it pleases of two contending parties. This is easily resolved into the general principles; for the injured party may be supposed to go to war in defence of some perfect right; and the cause being just, the imperfect right of humanity, as well as general and common utility, calls for assistance to the oppressed. So that if we have a right to associate with any nation, we may be entitled to protect their property and rights.

2. As to the time of commencing war, it seems to be no way contrary to natural[5] law to say it is at any time the injured party pleases, after having received an injury; but accident or utility, or a desire in each party to manifest the equity of their cause, has introduced universally the custom of declaring war. This begun very early, and though not of absolute right, having been generally introduced, must be continued, though there is often more of form than of substance in it; for nations do often begin both attack and defence before declaration, as well as

[5] MS. B *national.*

make all the necessary preparations for striking the most effectual blow. The meaning of a declaration of war seems to be, to call upon the injured[6] party to prevent it by reparation—Likewise to manifest to all other states, the justice of the cause.

3. [7]The duration of a war should be according to natural equity, till the injury be completely redressed, and reasonable security given against future attacks: therefore the practice too common of continuing a war for the acquisition of empire is to be condemned. Because one state has done some injury to another, it seems quite unreasonable that they should not only repair the injury, but subvert and ruin the offending state altogether—this would be unreasonable between man and man, if one had wronged another, not only to repair the wrong but to take all the rest that he had, and reduce his family to beggary. It is even more unreasonable in states, because the offenders in states are not to be supposed to be the whole people, but only the rulers or perhaps only some individuals.

Perhaps it may be asked what is *reasonable* security against future injury. I answer, between equal independent nations, solemn treaties ought to be considered as security, but if faith has been often broken, perhaps something more may be required. The mutual complaints of nations against each other for breach of faith, makes conquerors often demand such a degree of security, as puts the conquered altogether in their power.

4. As to the legitimate means of carrying on the war, in

[6] MSS. A and B *injuring*, and so corrected in the third and subsequent editions. [7] Lecture XIV, begins here in MS. A.

general it may be said in one word by force or open violence. It is admitted on all hands, that this force may be used against the person and goods not only of the rulers, but of every member of the hostile state. This may seem hard, that innocent subjects of the state should suffer for the folly and indiscretion of the rulers, or of other members of the same state, but it is unavoidable. The whole individuals that compose a state, are considered but as one body; it would be impossible for an enemy to distinguish the guilty from the innocent; and when men submit to a government, they risk their own possessions on the same bottom with the whole, in return for the benefits of society.

Open violence may be said to have no bounds, and therefore every method that can be invented and the most deadly weapons of annoyance may seem to be permitted—But from what has been said above and upon the principles of general equity, all acts of cruelty and inhumanity are to be blamed,—and all severity that has not an immediate effect in weakening the national strength of the enemy is certainly inhumanity—Such as killing prisoners whom you can keep safely—killing women and children —burning and destroying everything that could be of use in life.

The use of poisoned weapons has been also generally condemned—the poisoning of springs or provisions.

To the honor of modern times, and very probably I think the honor of christianity, there is much more humanity in the way of carrying on war than formerly.

To aim particularly at the life of a leader or person of

chief note, seems to have nothing in it unjust or improper, because the more important the life, it does more towards the finishing of the war; but what many seem to admit, the bribing of his own people to assassinate him privately, I cannot think honorable or fair.

A question is often moved in morals, how far it is lawful to deceive an enemy, especially if we hold the general and universal obligation of truth. To this it may be answered, in the first place that we may certainly with great justice conceal our own designs from an enemy—as indeed we may generally from friends by silence and guarding against every circumstance that may betray them. Neither do I think there is any thing at all blame-worthy in a general of an army using ambiguous signs, as feigned marches of a part or the whole, putting up lights or such things, because after a declaration of war he does not pretend to give information to his enemy of his motions, nay it is expected on both sides that they will do the best they can to over-reach one another in point of prudence. Yet I can scarce think it right to employ people to go to the enemy and professing to be sincere, tell direct falsehoods, and deceive them by that false intelligence.

It is the custom of all to send spies to discover the enemy's designs, and also to bribe some of the enemies themselves to discover the designs of their leaders—The last of which is, I think, at least of a doubtful nature, or rather unjust—Though sending spies is by all approved, yet (what may seem a little unaccountable) such spies are always punished with instant death by the opposite side when detected. The reason probably is, that pretending

friendship they have a right to consider them as traitors —Or as they are in an act of hostility they kill them as they would do an enemy in battle when in their power.

These circumstances apply to all war in general; but there is a distinction of wars by civilians into two kinds, *solemn* and *civil*. The first includes all wars between states formerly independent, the other internal insurrections of a part of one government against another.

There has generally been a great difference in the behavior of the opposite parties in these different ways. In solemn wars there is a presumption of integrity in the plurality on both sides, each believes his own cause to be just. On this account they are to be treated with the more humanity. In civil wars the insurgents are considered as making unjust resistance to the ruling part of the society,[8] and therefore guilty of the greatest crimes against society. Therefore they are often treated with great rigor, and when taken in battle, reserved to solemn trial and public execution. There is some reason for this in many cases, when it is indeed an unreasonable or unprovoked insurrection of disorderly citizens; but there are many cases in which the pretences on both sides are so plausible, that the war should be in all respects considered as solemn.

It should be observed, notwithstanding the hostile disposition, there are occasions, both in a treaty for peace and during the continuance of the war, when enemies are under the strongest obligations to sincerity in their behavior to each other.—When proposals are made for accom-

[8] MSS. B and C omit rest of sentence.

modating the differences, for a suspension of arms, for an exchange of prisoners,[9] or any thing similar.

It is worth while to inquire, whether the greatest honor and candor in war, with a strict adherence to all the laws above laid down, would give any party a great advantage who should take the liberty of transgressing them —as for example, who should use poisoned weapons—should send people to tell false stories—should bribe subjects to assassinate a hostile prince—I answer, that they would have no advantage at all, but probably the contrary. There is something powerful in magnanimity, which subdues the hearts of enemies; nay, sometimes terrifies them, and particularly inspires a general's army with invincible courage. Besides these, sinister arts are not so terrible as may be imagined—telling false news is as easily discovered as any trick whatsoever.

Prudence and integrity have no need of any assistance from fraud—acts even of generosity from enemy to enemy are often as useful as any acts of hostility. There was something very handsome in the Roman general, who refused to avail himself of the treachery of a schoolmaster, as well as whimsical in the way in which he punished the traitor.

Of Making Peace.

As already hinted all proposals tending to this purpose ought to be made with the utmost sincerity. Of all deceits in war the most infamous is that of making a treaty, or seeking a conference, only to take advantage of the security of one party to destroy him—by assassination or by breaking a truce to fight with advantage.

[9] MS. C inserts *for burying the dead.*

The terms of peace ought to be agreeable to the end of making war. Damages should be repaired, and security given against future injury.

We have often said that nation to nation is as man to man in a state of natural liberty; therefore treaties of peace between nations should in general proceed upon the same principles as private contracts between man and man. There is however an exception, that contracts between individuals are (at least by war) always void when they are the effect of constraint upon one side. Now this must not hold in treaties between nations, because it would always furnish a pretext for breaking them. On the side of the conquered a treaty is always in a great degree the effect of necessity.

It is generally however laid down in most authors as a principle, that the terms imposed[10] and submitted to may be sometimes so rigorous and oppressive, as to justify the injured party in revolting when they are able. This seems to me to be very lax in point of morals. It would be better I think to say, that the people who made the treaty should not recede from it. Their posterity however, at some distance cannot, be supposed bound to unjust servitude by the deeds of their fathers.

Let us conclude this subject by a few remarks on the situation of neutral states.

1. Every state has a right when others are contending to remain neuter, and assist neither party.

2. They have a right to all their former privileges with both the contending parties—may carry on their

[10] MS. B *proposed.*

traffic with both, and may show all the usual marks of friendship to both—only it has been generally agreed upon that they are not to trade with any of them in certain articles supposed to be of consequence in carrying on war, particularly provisions and arms.

3. Neutral powers should keep their harbors alike open to both for common refreshment, and as an asylum to fly to. And it is held necessary that the contending powers must not carry on their quarrel nor exercise any hostilities within the territories of a neutral state.

4. Neutral states may purchase moveable goods from any of the contending parties which have been taken from the other. But not so with respect to lands or forts, because if the other party are able they will re-take their possessions.

5. Deeds of a violent possessor are held to be valid, that is to say, if a conqueror prevails for a time, and levies tribute from any country, and afterwards the rightful possessor prevails, it would be unjust to demand the tribute again, because the true owner was not able to give protection to the subjects, and what was paid was lost through his weakness. The same thing may be said of a dependant state; if it owes any money and service to a supreme state, and an enemy exact it by force, the proper creditor cannot justly demand it again.

On the whole, those things that have been generally received as the law of nature and nations, are founded on the principles of equity, and when well observed do greatly promote general utility.

LECTURE XIV.[1]

JURISPRUDENCE.

Jurisprudence is the method of enacting and administering civil laws in any constitution.

We cannot propose to go through a system of civil laws, and therefore what I have in view is to make some preliminary remarks, and then to point out the *object* of civil laws, and the manner of their operation.

1. The first preliminary remark is, that a constitution is excellent when the spirit of the civil laws is such as to have a tendency to prevent offences and make men good, as much as to punish them when they do evil.

This is necessary in some measure; for when the general disposition of a people is against the laws, they cannot long subsist even by a strict and rigorous execution on the part of the rulers. There is however more of this in some constitutions than in others. Solon and Xenophon, as well as Lycurgus, seem to have formed their plan very much with this view, to direct the manners of the people in the first place, which will always make the observation of particular laws easy.

But how shall the magistrate manage this matter, or what can be done by law to make the people of any state virtuous? If, as we have seen above, virtue and piety are inseparably connected, then to promote true religion is the best and most effectual way of making a virtuous and regular people. Love to God, and love to man, is the substance of religion; when these prevail civil laws will have little to do.

[1] Lecture XV. in MS. A.

But this leads to a very important disquisition how far the magistrate ought to interfere in matters of religion. Religious sentiments are very various—and we have given it as one of the perfect rights in natural liberty, and which ought not to be alienated even in society, that every one should judge for himself in matters of religion.

What the magistrate may do on this subject seems to be confined to the three following particulars:

(1.) The magistrate (or ruling part of any society) ought to encourage piety by his own example, and by endeavoring to make it an object of public esteem. Whenever the general opinion is in favor of any thing it will have many followers. Magistrates may promote and encourage men of piety and virtue, and they may discountenance those whom it would be improper to punish.

(2.) The magistrate ought to defend the rights of conscience, and tolerate all in their religious sentiments that are not injurious to their neighbors. In the ancient heathen states there was less occasion for this, because in the system of polytheism the different gods and rites were not supposed to be opposite, but co-ordinate and consistent; but when there is believed to be but one God, the sentiments about his nature and worship will often be considered as essentially repugnant one to another.

The pretence of infidels, that persecution only belongs to the Christian religion, is absurd; for the Christian was the first religion that was persecuted,[2] and it was the necessary consequence of saying, that the gods of the heathens were no gods.

[2] MS. C omits rest of sentence.

At present as things are situated, one of the most important duties of the magistracy is to protect the rights of conscience.

It is commonly said, however, that in case any sect holds tenets subversive of society and inconsistent with the rights of others that they ought not to be tolerated. On this footing Popery is not tolerated in Great Britain; because they profess entire subjection to a foreign power, the see of Rome; and therefore must be in opposition to the proper interest of their own state; and because violence or persecution for religion is a part of their religion, which makes their prosperity threaten ruin to others —as well as the principle imputed to them, which they deny, that faith is not to be kept with heretics. But however just this may be in a way of reasoning, we ought in general to guard against persecution on a religious account as much as possible, because such as hold absurd tenets are seldom dangerous. Perhaps they are never dangerous, but when they are oppressed. Papists are tolerated in Holland without danger to liberty. And though not properly tolerated, they are now connived at in Britain.

In ancient times, in great states the censorial power was found necessary to their continuance, which inspected the manners of men. It seems probable, that supporting the religious sects in modern times answers this end, for the particular discipline of each sect, is intended for the correction of manners.

(3.) The magistrate may enact laws for the punishment of acts of profanity and impiety. The different sentiments of men in religion, ought not by any means

to encourage or give a sanction to such acts as any of them count profane.

Many are of opinion that besides all this, the magistrate ought to make public provision for the worship of God, in such manner as is agreeable to the great body of the society; though at the same time all who dissent from it, are fully tolerated. And indeed there seems to be a good deal of reason for it, that so instruction may be provided for the bulk of common people, who would, many of them, neither support nor employ teachers, unless they were obliged. The magistrates right in this case, seems to be something like that of a parent, they have a right to instruct, but not to constrain.

(2) The second preliminary remark is, that laws should be so framed as to promote such principles in general, as are favorable to good government, and particularly that principle, if there be one, that gave rise to the constitution, and is congenial to it.

Such a principle as I have in view, is generally the point of honor in a country, and this lawgivers and administrators of law should endeavor to preserve in its full vigor, for whenever it is undermined the constitution goes to ruin.

Of these principles, sobriety, industry, and public spirit are the chief. Some states are formed to subsist by sobriety and parsimony, as the Lacedemonians.

Industry is the prevailing principle, in others, as in Holland. Public spirit in others, as in Greece, ancient Rome, and Britain. Only public spirit may be diversified, sometimes it is a passion for acquiring glory and

dominion, as in Rome, and sometimes for preserving liberty, as in Greece and Britain.

When I say that in the management of a state, the utmost attention should be given to the principle of the constitution to preserve it in its vigor, I mean that though all other crimes are bad and in part tend to the ruin of a state, yet this is much more the case with crimes against that principle than any other. Any act of immorality was bad at Sparta, but to make poverty and parsimony reproachful, and to introduce fine houses and furniture and delicate entertainments, would have been instant ruin.

Any act of immorality would be hurtful in Holland, but to make fraudulent bankruptcy less infamous than it is, would immediately destroy them.

Sobriety, industry, and public spirit are nearly allied, and have a reciprocal influence upon one another. Yet there may be a great degree of some of them in the absence of the others. In Sparta there was much sobriety and public spirit, but little industry. In Athens, industry and public spirit, with very little parsimony.

In opposition to the whole of this, Mandeville wrote a book called *The fable of the Bees,* which seems to be levelled against sobriety, industry and public spirit, all at once; his position is, *that private vices are public benefits,* and that the waste and luxury of one man supplies the wants of another; but it is easy to overthrow his reasoning, for though sober and industrious persons spend each less than a profuse person, yet sobriety and industry tend much more to population, and by that means they are mutually serviceable to each other. Luxury and vice

only waste and destroy, they add nothing to the common stock of property or of happiness. Experience fully justifies this, for though from the luxury of one man another may reap some gain, the luxury of a nation always tends to the ruin of that nation.

(3) A third preliminary remark is, that laws may be of two kinds, either written or in the breasts of magistrates. In every constitution of note, there is something of each of these kinds. It is uncertain whether it is better to have many or few special laws. On the one hand it seems to be the very spirit of a free constitution to have every thing as strictly defined as possible, and to leave little in the power of the judge. But on the other hand, a multiplicity of laws is so apt to lead to litigation and to end in ambiguity, that perhaps judges of equity chosen by the district in which they live and are to act, and chosen but for a time, would be a more just and equitable method of ending differences. But the difficulty of settling a constitution so as always to secure the election of impartial judges, has made modern states, where there is liberty, prefer a multiplicity of written laws.

(4) The last preliminary remark is that no human constitution can be so formed, but that there must be exceptions to every law. So that there may be in every nation oppression under form of law, according to the old maxim, summum jus, summa injuria. This further shows the necessity of forming the manners of a people.

After having laid down these preliminaries, we may observe that the objects of civil laws may be divided into the three following particulars.

1. To ratify the moral laws by the sanction of the so-

ciety. The transgression of such laws are called *crimes* as profanity, adultery, murder, calumny, &c. And they are prosecuted and punished by order of the public according to the spirit of every constitution.

2. To lay down a plan for all contracts in the commerce or intercourse between man and man. To show when a contract is valid, and how to be proved. The transgressions of such laws are called *frauds*. They chiefly regard the acquisition, transmission, or alienation of property.

3. To limit and direct persons in the exercise of their own rights, and oblige them to show respect to the interfering rights of others. This contains the whole of what is called the police of a country.—And the transgression of such laws are called trespasses.[3] A number of things in this view may become illegal which before were not immoral.

Of the Sanction of the Moral Laws.[4]

In all polished nations, there are punishments annexed to the transgression of the moral laws, whether against God, our neighbor, or ourselves;[5] in the doing of which, the three following things are chiefly necessary.

(1.) To determine what crimes and what degree of the same crime, are to be inquired into by the civil magistrate. It is of necessity that in a free state crimes should be precisely defined, that men may not be ignorantly or rashly drawn into them. There are degrees of every crime—profanity, impurity, violence, slander, that

[3] MSS. B and C omit this sentence. [4] Lecture XVI begins here in MS. A. [5] MS. B omits *or ourselves*.

are blameable in point of morals, nay, even such as may fall under the discipline of a religious society—that if they were made cognisable by the civil magistrate, would multiply laws and trials beyond measure.

(2.) To appoint the methods of ascertaining the commission of crimes. This is usually by testimony, in which we are to consider the number and character of the witnesses. Generally through christendom, and indeed most other parts of the world two witnesses have been esteemed necessary to fix crimes upon an accused person; not but that the positive evidence of one person of judgment and untainted character is in many cases sufficient to gain belief, and often stronger than two of unknown or doubtful credit, but it was necessary to lay down some rule, and two are required to guard against the danger of hired evidence, and to give an opportunity of trying how they agree together. To have required more would have made a proof difficult or impossible in many cases.

It seems to be a maxim in law, and founded on reason, that in the case of what are called occult crimes, such as murder, adultery, forgery, and some others where the nature of the thing shows that there must be a penury of evidence, they sometimes content themselves with fewer witnesses, if there are corroborating circumstances to strengthen their testimony.

It seems to be a matter not easily decided, whether it be agreeable to reason and justice, in the case of very atrocious crimes, that on account of the *atrocity, less* evidence should be sufficient for conviction, or that *more* should be required. On the one hand, the more atrocious the crime,

the greater the hurt to society, and the more need of public vengeance. On the other hand, the more atrocious the crime, and the heavier the punishment, it seems agreeable to justice that the conviction should be upon the more unquestioned evidence. Lawyers are seen to take their common places, sometimes the one way, sometimes the other. It is often thought that in practice, less evidence is sufficient to convict a man of murder, forgery, rape, and other crimes of a deep dye. But I am persuaded that the appearance is owing to the greater and more general eagerness to discover the perpetrators of such crimes. Others are suffered to escape more easily, not that more evidence is necessary, but that it is more difficult to get at the evidence.

Evidence may be distinguished into two kinds, *direct* and *circumstantial.* Direct evidence is when the witnesses swear to their sight or knowledge of the accused committing the crime. Circumstantial when they only swear to certain facts which cannot be supposed to have existed unless the crime had been committed. As a man found dead,—another found near the place—with a weapon bloody,—or clothes bloody, &c. Some have affirmed that circumstantial evidence is stronger than direct, but it must be taken with very great caution and judgment.

(3.) The law is to proportion and appoint the punishment due to every crime when proven.

Punishment in all regular states, is taken wholly out of the hands of the injured persons, and committed to the magistrate, though in many or most cases the injured

party is suffered to join the magistrate in the prosecution, and to have a certain claim, by way of reparation, as far as that is practicable.

Therefore the punishment in general must consist of two parts, (1) reparation to the sufferer, (2) the vindicta publica, which has sometimes two ends in view, to be an example to others, and to reclaim and reform the offenders,[6] as in corporal punishment less than death. Sometimes but one, the good of others in the example, as in capital punishments, and banishment.

The kind of punishment and the degree, is left wholly to different lawgivers, and the spirit of different constitutions. Public utility is the rule. Punishment is not always proportioned to the atrociousness of the crime in point of morals, but to the frequency of it, and the danger of its prevailing.

Some nations[7] require, and some will bear greater severity in punishments than others.

The same or similar conduct often produces opposite effects. Severe laws and severe punishments, sometimes banish crimes, but very often the contrary. When laws are very sanguinary, it often makes the subjects hate the law more than they fear it, and the transition is very easy from hating the law to hating those who are entrusted with the execution of it. Such a state of things threatens insurrections and convulsions, if not the dissolution of a government.

Another usual effect of excessive severity in laws is,

[6] MS. C omits rest of sentence. [7] MSS. A and B *natures.* MS. C *In some nations men voluntarily learn and some require greater punishment than others.*

that they are not put in execution. The public is not willing to lend its aid to the discovery and conviction of offenders; so that in time the law itself becomes a mere brutum fulmen and loses its authority.

I may make one particular remark, that though many things are copied from the law of Moses into the laws of the modern nations, yet so far as I know none of them have introduced the lex talionis in the case of injuries, an eye for an eye, and a tooth for a tooth, &c. and yet perhaps there are many instances in which it would be very proper. The equity of the punishment would be quite manifest, and probably it would be as effectual a restraint from the commission of injury as any that could be chosen.

The concluding remark shall be, that it is but seldom that very severe and sanguinary laws are of service to the good order to a state; but after laws have been fixed with as much equity and moderation as possible, the execution of them should be strict and rigorous. Let the laws be *just* and the magistrate *inflexible.*

LECTURE XV.

The second object of civil laws being to regulate the making of contracts, and the whole intercourse between man and man relating to the acquisition, possession and alienation of property, we must consider carefully the nature of

Contracts.

A contract is a stipulation between two parties before at liberty, to make some alteration of property, or to bind one or both parties to the performance of some service.

Contracts are absolutely necessary in social life. Every transaction almost may be considered as a contract, either more or less explicit.

The principal thing which constitutes a contract is, *consent.* But in some kinds of contracts, viz. the gratuitous, the consent of the receiver is presumed. In the transmission of estates by donation or testament this is presumed—and those who are incapable of giving their consent through infancy, may notwithstanding acquire property and rights. When a man comes into a settled country and purchases property, he is supposed, besides every other part of the bargain, to purchase it under such conditions, and subject himself to such laws as are in force in that country.

Contracts are said to be of three degrees in point of fulness and precision—(1.) A simple affirmation of a design as to futurity—as when I say to any one that I shall go to such a place to-morrow: this is not properly binding, and it is supposed that many things may occur to make me alter my resolution—yet a frequent alteration of professed purposes gives the character of levity; therefore a prudent man will be cautious of declaring his purposes till he is well determined. (2.) A gratuitous promise of doing some favor to me. This is not made binding in law, nor does it usually convey a perfect right, because it supposes that the person who was the ob-

ject of good will, may, by altering his behaviour, forfeit his title to it, or that the person promising may find it much more inconvenient, costly or hurtful to himself, than he supposed; or, lastly, that what was intended as a service if performed appears plainly to be an injury. In the last case every one must see, that it cannot be binding; but in the two former, I apprehend that in all ordinary cases a distant[1] promise is binding in conscience, though it may not be necessary to make it binding in law. I say all ordinary cases, because it is easy to figure a case in which I may make a promise to another, and such circumstances may afterwards occur as I am quite confident, if the person knew, he would not hold me to my promise.

3. The third degree is a complete contract, with consent on both sides, and obligation upon one or both.

The[2] essentials of a contract which render it valid, and any of which being wanting, it is void, are as follow:

That it be, (1.) Free. (2.) Mutual. (3.) Possible. (4.) Careful.[3] (5.) With a capable person. (6.) Formal.

First. It must be free. Contracts made by unjust force are void always in law, and sometimes in conscience. It must however be unjust force, because in treaties of peace between nations, as we have seen before, force does not void the contract; and even in private life sometimes men are forced to enter into contracts by the order of a magistrate, sometimes by the threatening of legal prosecution, which does not make them void.

[1] The MSS. read *distinct.* [2] Lecture XVII begins here in MS. A. [3] MS. B *Lawful,* obviously the correct reading, but the correction was not made until the 1822 edition.

2. They must be mutual, that is, the consent of the one as well as that of the other must be had. Contracts in this view become void either by fraud on one side, or by essential error. If any man contrives a contract so as to bind the other party, and keep himself free, this fraud certainly nullifies the agreement—or if there is an essential error in the person or the thing, as if a person should oblige himself to one man supposing him to be another.

3. Contracts should be of things evidently possible, and probably in our power. Contracts by which men oblige themselves to do things impossible, are no doubt void from the beginning; but if the impossibility was known to the contracting party, it must have been either absurd or fraudulent. When things engaged for become impossible by the operation of Providence without a man's own fault, the contract is void, and he is guiltless—as if a man should covenant to deliver at a certain place and time a number of cattle, and when he is almost at the place of destination they should be killed by thunder, or any other accident, out of his power.

4. Contracts must be of things lawful. All engagements to do things unlawful, are from the beginning void; but by unlawful must be understood the violation of perfect rights. If a man oblige himself for a reward to commit murder, or any kind of fraud, the engagement is void; but it was criminal in the transacting, and the reward ought to be returned, or given to public uses. There are many contracts, however, which are very blameable in making, that must, notwithstanding, be kept, and must not be made void in law—as rash and

foolish bargains, where there was no fraud on the other side. If such were to be voided, great confusion would be introduced. The cases of this kind are numerous, and may be greatly diversified.

5. Contracts must be made with a capable person, that is to say, of age, understanding, at liberty, &c. It is part of the civil law, or rather municipal law, of every country, to fix the time of life when persons are supposed capable of transacting their own affairs. Some time must be fixed, otherwise it would occasion numberless disputes, difficult to be decided. A man at the age of fourteen, and a woman at twelve, may choose guardians, who can alienate their property, and at the age of twenty-one they have their estate wholly in their own hand.

6. Contracts must be formal.

The laws of every country limit a great many circumstances of the nature, obligation, extent and duration of contracts.

Having pointed out something of the essential characters of all lawful contracts; I observe they may be divided two different ways, (1) contracts are either absolute or conditional. The absolute are such as are suspended upon no condition, but such as are essential to every contract, which have been mentioned above. Such as when a person makes a settlement upon another, without reserve, then whether he behave well or ill, whether it be convenient or inconvenient, it must be fulfilled. Conditional contracts are those that are suspended on any uncertain future contingency, or some performance by the opposite party. Of this last sort are almost all trans-

actions in the way of commerce,—which leads to the (2) way of dividing contracts into beneficent and onerous. The first is when one freely brings himself under an obligation to bestow any favor or do any service, as donations or legacies, and undertaking the office of guardian of another person's estate.

The onerous contract is when an equal value is supposed to be given on both sides, as is the case for the most part in the alienation of property—and the transactions between man and man, and between society and society.

To this place belongs the question about the lawfulness of lending money upon interest. If we consider money as an instrument of commerce and giving an opportunity of making profit, there seems plainly to be nothing unjust, that the lender should share in the advantage arising from his own property.

The chief thing necessary is that the state or governing part of the society, should settle the rate of interest and not suffer it to depend upon the necessity of the poor or the covetousness of the rich. If it is not settled by law, usury will be certain consequence.

The law of Moses does not seem to have admitted the taking of interest at all from an Israelite. It is thought however, that the main reason of this must have been drawn from something in their constitution as a state, that rendered it improper, for if it had been in itself immoral they would not have been permitted to take it of strangers.

Of the Marks or Signs of Contracts.

All known and intelligent[4] marks of consent, are the signs and means of compleating contracts. The chief of these however are words and writing, as being found the most easy and useful. Words are of all others the most natural and proper for giving immediate consent, and writing to perpetuate the memory of the transaction. There are however many other signs that may be made use of, and wherever there is a real purpose of signifying our intention by which others are brought to depend upon it, the engagement is real, and we are bound in conscience, though the law in every country must of necessity be more limited. The whole rests ultimately on the obligation to sincerity in the social life.

This obligation arises from the testimony of conscience, and from the manifest utility and even necessity of sincerity to social intercourse.

Signs are divided into *natural, instituted* and *customary*. Natural signs are those which have either a real likeness to the thing signified, or such a known and universal relation to it, that all men must naturally be led from the one to the other—As a picture is a natural sign, because a representation of the thing painted. An inflamed sullen countenance and fiery eyes, are natural signs of anger, because they are the universal effects of that Passion.

Instituted signs are those that have no other connection with the thing signified, than what has been made by agreement, as if two persons shall agree between them-

[4] The MSS. read *intelligible*.

selves, that if the one wants to signify to the other at a distance, that he wishes him to come to his assistance, he will kindle a fire upon a certain hill, or hang out a flag upon a certain pinnacle of his house, or some part of his ship. Words and writing are properly instituted signs, for they have no relation to the thing signified but what original agreement and long custom has given them.

Customary signs are no other than instituted signs which have long prevailed, and whose institution has either been accidental or has been forgotten. It is also usual to apply the word customary to such signs as depend upon the mode and fashion of particular countries. There are some signs and postures, which though they may seem perfectly arbitrary have obtained very generally, perhaps universally, as bending down the body, or prostration, as a sign of respect and reverence; kneeling and lifting up the hands as a sign of submission and supplication.—Perhaps both these are natural, as they put the person into the situation least capable of resistance.

Sometimes there is a mixture of natural and instituted signs, as if a man sends a pair of wings, or the figure of them, to a friend, to intimate his danger and the necessity of flying.

In the use of signs, the great rule of sincerity is, that wherever we are bound, and whatever we profess to communicate our intention, we ought to use the signs in the least ambiguous manner possible. When we have no intention, and are under no obligation to communicate any thing to others, it is of small moment what appear-

ances are; it is their business not to make any unnecessary or uncertain inferences. A light in a house, in the middle of the night, will perhaps suggest most probably, to a traveller accidently passing, that there is somebody sick in that house; yet perhaps it is extraordinary study or business that keeps some person awake.

Nay when there is no obligation to give, nor any reason for the party to expect true information, it is held generally no crime at all, to use such signs as we have reason to suppose will be mistaken; as when one who does not desire to be disturbed, keeps his chamber close shut, that people may conclude he is not there. When a general of an army puts a fire in the camp, to conceal his march or retreat. And probably none would think it faulty when there was an apprehension of thieves, to keep a light burning in a chamber to lead them to suppose the whole family is not at rest.

There are some who place in the same rank, evasive phrases, when there is an apparent intention to speak our mind, but no right in the other to obtain it. Such expressions may be strictly true, and yet there is all probability that the hearer will misunderstand them. As if one should ask if a person was in any house, and should receive for answer, he went away yesterday morning; when perhaps he returned the same evening. I look upon these evasions however, as very doubtful, and indeed, rather not to be chosen, because they seem to contain a profession of telling our real mind.

Some mention ironical speech as an exception to the obligation to sincerity. But it is properly no objec-

tion at all, because there is no deception. Truth lies not in the words themselves, but in the use of them as signs. Therefore if a man speaks his words in such a tone and manner as the hearer immediately conceives they are to be taken in an opposite sense, and does really take them in the sense the speaker means them, there is no falsehood at all.

Mr. Hutchinson[5] and some others allow a voluntary intended departure from truth, on occasion of some great necessity for a good end. This I apprehend is wrong, for we cannot but consider deception as it itself base and unworthy, and therefore a good end cannot justify it. Besides to suppose it were in men's power on a sufficient occasion to violate truth, would greatly destroy its force in general, and its use in the social life.

There are two sorts of falsehood, which because no doubt they are less aggravated than malicious interested[6] lies, many admit of but, I think without sufficient reason.

(1) Jocular lies, when there is a real deception intended, but not in any thing material, nor intended to continue long. However harmless these may seem, I reckon they are to be blamed, because it is using too much freedom with so sacred a thing as truth. And very often such persons, as a righteous punishment in Providence, are left to proceed further, and either to carry their folly to such excess, as to become contemptible, or to go beyond folly into malice.

(2) Officious lies, telling falsehoods to children, or sick persons for their good. These very seldom answer the end that is proposed. They lessen the reverence for

[5] MS. B *Hutcheson.* [6] MS. C *intended.*

truth; and particularly with regard to children, are exceedingly pernicious, for as they must soon be discovered, they loose their force, and teach them to deceive. Truth and authority are methods infinitely preferable in dealing with children, as well as with persons of riper years.

LECTURE XVI.[1]

Of Oaths and Vows.

Among the signs and appendages of contracts, are oaths and vows.

An oath is an appeal to God, the searcher of hearts, for the truth of what we say, and always expresses or supposes an imprecation of his judgment upon us, if we prevaricate.

An oath therefore implies a belief in God, and his Providence, and indeed is an act of worship, and so accounted in Scripture, as in that expression, *Thou shalt fear the Lord thy God, and shalt swear by his name.* Its use in human affairs is very great, when managed with judgment. It may be applied and indeed has been commonly used (1) in the contracts of independent states, who have no common earthly superior. In ancient times it was usual always to close national treaties by mutual oaths. This form is not so common in modern times, yet the substance remains; for an appeal is always supposed to be made to God, against the breach of public faith.

(2.) It has been adopted by all nations in their admin-

[1] MS. A *Lecture XVIII.*

istration of justice, in order to discover truth. The most common and universal application of it has been to add greater solemnity to the testimony of witnesses. It is also sometimes made use of with the parties themselves, for conviction or purgation. The laws of every country point out the cases in which oaths are required or admitted in public judgment. It is however lawful and in common practice, for private persons, voluntarily, on solemn occasions, to confirm what they say, by oath. Persons entering on public offices, are also often obliged to make oath, that they will faithfully execute their trust.

Oaths are commonly divided into two kinds, *assertatory* and *promissory*— Those called purgatory fall under the first of these divisions. There is perhaps little necessity for a division of oaths, for they do not properly stand by themselves; they are confirmations and appendages of contracts, and intended as an additional security for sincerity in the commerce between man and man.

Therefore oaths are subject to all the same regulations as contracts; or rather oaths are only lawful, when they are in aid or confirmation of a lawful contract. What therefore voids the one, will void the other, and nothing else. A contract otherwise unlawful, cannot be made binding by an oath: but there must be a very great caution used not to make any unlawful contract, much less to confirm it by an oath.

It is easy to see the extreme absurdity of our being obliged to fulfil a criminal engagement by oath, for it would imply, that out of reverence to God we ought to break his commands; but nothing can be more abomin-

able, than the principle of those who think they may safely take an unlawful oath, because it is not binding: this is aggravating gross injustice by deliberate profanity.

I have said that oaths are appendages to all lawful contracts; but in assertatory oaths which are only confirmations of our general obligation to sincerity, it is necessary not only that what we say be true, but that the occasion be of sufficient moment to require or justify a solemn appeal to God. Swearing on common occasions is unnecessary, rash, profane and destructive of the solemnity of an oath and its real use.

From the general rule laid down, that oaths are lawful when applied to lawful contracts, it will follow that they become unlawful only when the fulfilling of them would be violating a perfect right; but perhaps an additional observation is necessary here. Contracts must be fulfilled, when they violate an imperfect right; whereas some oaths may be found criminal and void, though they are only contrary to imperfect rights: as for example, some persons bind themselves rashly by oath, that they will never speak to or forgive their children who have offended them. This is so evidently criminal, that nobody will plead for its being obligatory, and yet it is but the violation of an imperfect right. The same persons however, might in many ways alienate their property to the prejudice of their children, by contracts which the law would oblige them to fulfil.

In vows, there is no party but God and the person himself who makes the vow: for this reason, Mr. Hutchinson[2] relaxes their obligation very much—Supposing,

[2] MS. B *Hutcheson.*

any person had solemnly vowed to give a certain part of his substance to public or pious uses, he says if he finds it a great inconvenience to himself or family, he is not bound; this I apprehend is too lax. Men ought to be cautious in making such engagements; but I apprehend that when made, if not directly criminal, they ought to be kept.

Of the use of Symbols in Contracts.

Besides promises and oaths, there is sometimes in contracts a use of other visible signs called symbols; the most common among us are signing and sealing a written deed. There is also, in some places, the delivery of earth and stone in making over land—and sundry others.[3] In ancient times it was usual to have solemn symbols in all treaties—mutual gifts—sacrifices—feasts—setting up pillars. —The intention of all such things, whenever and wherever they have been practised is the same. It is to ascertain and keep up the memory of the transaction. They were more frequent and solemn in ancient times than now, because before the invention of writing they were more necessary.

Of the Value of Property.

Before we finish the subject of contracts, it may be proper to say a little of the nature and value of property, which is the subject of them. Nothing has any real value unless it be of some use in human life, or perhaps we may say, unless it is supposed to be of use, and so becomes the object of human desire—because at particu-

[3] MS. C omits the next two sentences, *In ancient times . . . . is the same.*

lar times, and in particular places, things of very little real importance acquire a value, which is commonly temporary and changeable. Shells and baubles are of great value in some places; perhaps there are some more[4] baubles highly valued in every place.

But though it is their use in life that gives things their value in general, it does not follow that those things that are of most use and necessity, are therefore of greatest value as property, or in commerce. Air and water, perhaps we may add fire, are of the greatest use and necessity; but they are also in greatest plenty, and therefore are of little value as a possession or property. Value is in proportion to the plenty of any commodity, and the demand for it. The one taken in the inverse, and the other in the direct proportion.

Hence it follows that money is of no real value. It is not wealth properly, but the sign of it, and in a fixed state of society the certain means of procuring it. In early times traffic was carried on by exchange of goods—but being large, not easily divided or transported, they became very troublesome. Therefore it soon became necessary to fix upon some sign of wealth, to be a standard by which to rate different commodities.

Anything that is fit to answer the purpose of a common sign of wealth, must have the following properties: It must be (1)[5] valuable, that is, have an intrinsic commercial value, and rare, otherwise it could have no comparative value at all. (2.) Durable, otherwise it could not pass from hand to hand. (3.) Divisible, so that it might be in larger or smaller quantities as are required. (4.)

[4] MSS. A and B *mere*. MS. C omits. [5] The MSS. omit to *rare*.

Portable, it must not be of great size, otherwise it would be extremely inconvenient.

Gold and silver were soon found to have all these properties, and therefore are fixed upon as the sign of wealth. But besides being the sign of the value of other commodities, they themselves are also matters of commerce, and therefore increase or decrease in their value by their plenty or scarceness.

It may seem to belong to the ruling part of any society to fix the value of gold and silver as signs of the value of commodities—and no doubt they do fix it nominally in their dominions. But in this they are obliged to be strictly attentive to the value of these metals as a commodity from their plenty or scarceness, otherwise their regulations will be of little force—other nations will pay no regard to the nominal value of any particular country, and even in internal commerce the subject would fix a value upon the signs according to their plenty.

It is as prejudicial to commerce to make the nominal value of the coin of any country too small as too great.[6]

We shall close this part of the subject by speaking a little of the

Rights of Necessity, and common Rights.

These are certain powers assumed both by private persons and communities, which are supposed to be authorised by the necessity of the case, and supported by the great law of reason.

There will remain a great number of cases in which

[6] Lecture XIX begins here in MS. A.

these rights of necessity are to be used even in the best regulated civil society, and often[7] the most mature deliberation and foresight of probable events, and provision for them by specific laws.

Were a man perishing with hunger, and denied food by a person who could easily afford it him, here the rights of necessity would justify him in taking it by violence. Were a city on fire, and the blowing up of an house would save the far greater part, though the owner was unwilling, men would think themselves justified in doing it whether he would or not. Much more would men in cases of urgent necessity make free with the property of others without asking their consent, but presuming upon it.

In our own government, where, by the love of liberty general among the people, and the nature of the constitutions as many particulars have been determined by special laws as in any government in the world—yet instances of the rights of necessity occur every day. If I see one man rob another upon the highway, or am informed of it, if I have courage and ability I pursue the robber, and apprehend him without any warrant, and carry him before a magistrate to get a warrant for what I have already done. Nothing is more common in Britain than to force people to sell their inheritance or a part of it, to make a road or street straight or commodious. In this instance it is not so much necessity as great utility.

The question of the greatest moment here is, whether the establishing these rights of necessity does not derogate

[7] The MSS. read *after,* and it is so corrected in the subsequent editions.

from the perfection and immutability of the moral laws. If it be true, that we may break in upon the laws of justice for the sake of utility, is not this admitting the exploded maxim, that we may do evil that good may come. I answer, that these rights of necessity have in general property as their object, or at most the life of particular persons—and it seems to be inseparable from the establishment of property in the social state, that our property is to be held only in such manner, and to such a degree, as to be both consistent with, and subservient to, the good of others. And therefore these extraordinary cases are agreeable to the tacit or implied conditions of the social contract.

In rights of necessity we are to consider not only the present good or evil, but for all time to come, and particularly the safety or danger of the example. Where the repetition of the thing in similar circumstances would have a fatal effect, it ought not to be done. If a city were under all the miseries of famine, and a ship or two should arrive with grain, the owner of which would not sell it but at a most exorbitant price, perhaps equity might admit that they should be compelled; but if any such thing were done it would prevent others from going near that place again.

It would be of no consequence to determine these rights of necessity by law. If the law described circumstantially what might be done, it would be no longer a right of necessity, but a legal right. To forbid them by law would be either ineffectual or it would abolish them altogether, and deprive the society of the benefit of them

when the cases should occur. Things done by the rights of necessity are by supposition illegal, and if the necessity does not excuse, the person who pretends them may be punished. If I am aiding in pulling down a man's house on pretence of stopping a fire, if he afterwards makes it appear that there was not the least occasion for it, or that I, being his enemy, took the opportunity of this pretence to injure him, he will obtain reparation.

As property, or at most life is concerned in the rights of necessity—Still the moral laws continue in force. Whatever expresses an evil disposition of mind does not fall under the rule, because it can never be necessary to the doing of any good. The pretence of its being necessary in some cases is generally chimerical, and even were it real, the necessity could not justify the crime—as suppose a robber very profane should threaten a man with death unless he would blaspheme God or curse his parents, &c.

There are certain things called common rights, which the public is supposed to have over every member: the chief of them are (1) diligence. As a man must eat the community have a right to compel him to be useful—and have a right to make laws against suicide. (2.) They have a right to the discovery of useful inventions, provided an adequate price be paid to the discoverer. (3.) They have a right to insist upon such things as belong to the dignity of human nature. Thus all nations pay respect to dead bodies, though there is no other reason for it but that we cannot help associating with the body, even dead, the ideas which arise from it, and belonged to the whole person when alive.

3. The third and last object of civil laws is, limiting citizens in the exercise of their rights, so as they may not be injurious to one another, but the public good may be promoted.

This includes the giving directions in what way arts and commerce may be carried on, and in some states extends as far as the possessions of private persons.

It includes the whole of what is called the police of a community—the manner of travelling, building, marketing, time and manner of holding all sorts of assemblies—In arts and commerce particularly the police shows its power.

It will only be necessary here to make a few remarks on the nature and spirit of those laws.

1. Those things in themselves are arbitrary and mutable, for there is no morality in them but what arises from common utility. We may sometimes do things in a way better than that appointed by law, and yet it is not allowed.

2. Men in general have but a very light sense of the malignity of transgressing these laws, such as running[8] of goods, breaking over a fence, &c.

3. In the best constitutions some sanctions are appointed for the breach of these laws. Wherever a state is founded upon the principles of liberty, such laws are made with severity and executed with strictness.

Finally, a man of real probity and virtue adopts these laws as a part of his duty to God and the society, and is subject not only for wrath, but also for conscience sake.

[8] MS. B *destroying.* MS. C *ruining,* evidently the correct reading, but the error remains in all the editions.

RECAPITULATION.

Having gone through the three general divisions of this subject, Ethics, Politics, and Jurisprudence, I shall conclude with a few remarks upon the whole, and mention to you the chief writers who have distinguished themselves in this branch of science.

1. You may plainly perceive both how extensive and how important moral philosophy is. As to extent, each of the divisions we have gone through might have been treated at far greater length. Nor would it be unprofitable to enter into a fuller disquisition of many points; but this must be left to every scholar's inclination and opportunities in future life. Its importance is manifest from this circumstance, that it not only points out personal duty, but is related to the whole business of active life. The languages, and even mathematical and natural knowledge, are but hard words[1] to this superior science.

2. The evidence which attends moral disquisitions is of a different kind from that which attends mathematics and natural philosophy; but it remains as a point to be discussed, whether it is more uncertain or not. At first sight it appears that authors differ much more, and more essentially on the principles of moral than natural philosophy. Yet perhaps a time may come when men, treating moral philosophy as Newton and his successors have done natural, may arrive at greater precision. It is always safer in our reasonings to trace facts upwards, than to reason downwards upon metaphysical principles. An

[1] The MSS. read *hand-maids*, an obviously correct reading not found, however, in any of the editions.

attempt has been lately made by Beatty,[2] in his Essay on Truth, to establish certain impressions of common sense as axioms and first principles of all our reasonings on moral subjects.

3. The differences about the nature of virtue are not in fact so great as they appear: they amount to nearly the same thing in the issue, when the particulars of a virtuous life come to be enumerated.

4. The different foundations of virtue are many of them, not opposite or repugnant to each other, but parts of one great plan—as benevolence and self-love, &c. They all conspire to found real virtue: the authority of God—the dictates of conscience—public happiness and private interest all coincide.

5. There is nothing certain or valuable in moral philosophy, but what is perfectly coincident with the scripture; where the glory of God is the first principle of action arising from the subjection of the creature—where the good of others is the great object of duty, and our own interest the necessary consequence.

In the first dawn of philosophy, men began to write and dispute about virtue. The great inquiry among the ancients was, what was the *summum bonum* by which it seems they took it for granted, that virtue and happiness were the same thing. The chief combatants here, were the stoics and epicureans. The first insisted that virtue was the summum bonum, that pleasure was no good, and pain no evil: the other said that the summum bonum consisted in pleasure, or rather that pleasure was virtue:

[2] MS. A does not contain this reference to James Beattie's "Essay".

the academists and Platonists went a middle way between these.

I am not sensible that there is any thing among the ancients, that wholly corresponds with the modern dispute upon the foundation of virtue.

Since the disputes arose in the sixteenth and seventeenth centuries, some of the most considerable[3] authors, chiefly British are, Leibnitz, his Theodicæs and his letters[4] Clark's demonstration and his letters. Hutcheson's inquiries into the ideas of beauty and virtue, and his sys-

[3] MS. C *laudable.* [4] In the bibliography that follows, MS. C cites by name Clarke, Hutcheson, Wollaston, Collins, Nettleton, Hume, Kame, Smith and Reid, omitting, however, the titles of their works, and proceeding to the next paragraph. MSS. A and B also end the bibliography with Reid, but give the titles of works.

In order to permit some control of Dr. Witherspoon's authorities, it has seemed worth while to give the titles and first-edition dates of works he mentions, editions known to have been in his private library being so indicated. That he endeavored to be catholic and fair in his bibliography is shown by the fact that Leibnitz, Shaftesbury, Collins, Hutcheson and Hume had all been named by him in his satire "Ecclesiastical Characteristics" in the catalogue there drawn up "of the most necessary and useful books, the thorough understanding of which" would make a "truly learned moderate man,"—the type he was satirizing.

Samuel Clarke, "Demonstration of the being and attributes of God, more particularly in answer to Mr. Hobbs, Spinoza, and their followers," etc., London, 1705. His "Discourse concerning the being and attributes of God," 4th edition, London, 1716, is in Witherspoon's library at Princeton. The "Letters" would seem to be either "Letters written in 1725 to Dr. Clarke relating to an argument in his Demonstration of the being and attributes of God, with the Doctor's answers," London, 1745, or his various "Letters to Mr. Dodwell" on the immortality of the soul; Francis Hutcheson, "Inquiry into the original of our ideas of beauty and virtue," London, 1725, and his "System of moral philosophy," London, 1725;

tem. Wollaston's religion of nature delineated. Collins on human liberty. Nettleton on virtue and happiness. David Hume's essays. Lord Kaim's essays. Smith's theory of moral sentiments. Reed's inquiry. Balfour's delineation of morality. Butler's analogy and sermons. Balzuy's tracts. Theory of agreeable sensations from the French. Beatty on truth. Essay on virtue and harmony.

To these may be added the whole deistical writers, and the answers written to each of them in particular, a brief account of which may be seen in Lelands view of the deistical writers.[5]

William Wallaston, "The religion of nature delineated," London, 1722; Anthony Collins, "Philosophical inquiry concerning human liberty," London, 1717; Thomas Nettleton, "Treatise on virtue and happiness," London(?) 1729; David Hume, "Essays moral and political," Edinburgh, 1741; Lord Kames, "Essay on the principles of morality and natural religion," Edinburgh, 1751 (Witherspoon library); Adam Smith, "Theory of moral sentiments," London, 1759; Thomas Reid, "Inquiry into the human mind on the principles of common sense," London, 1764 (4th edition, London, 1785, Witherspoon library); James Balfour, "Delineation of the nature and obligation of morality, with reflexions upon Mr. Hume's book entitled An inquiry concerning the principals of morals," Edinburgh(?) 1753; Joseph Butler, "The analogy of religion, natural and revealed, to the constitution and course of nature," London, 1736; and his "Fifteen sermons," London, 1726, (2d edition, London, 1729, Witherspoon library); John Balguy, "A collection of tracts, moral and theological, with notes and a supplement concerning rectitude," London, 1734; L. J. Levesque de Pouilly, "Theory of agreeable sensations . . . to which is subjoined . . . a dissertation on harmony of stile. Translated from the French", London, 1749 (an edition was published at Edinburgh in 1766); James Beattie, "Essay on the nature and immutability of truth in opposition to sophistry and scepticism," Edinburgh, 1770; the "Essay on virtue and harmony" has eluded identification.

Some of the chief writers upon government and politics, are, Grotius, Puffendorf, Barbyrac, Cumberland, Selden, Burlamaque, Hobbs, Machiavel, Harrington, Locke, Sydney, and some late books, Montesquieu's spirit of laws; Ferguson's history of civil society;[6] Lord Kaime's political essays; Grandeur and decay of the Roman empire; Montague's rise and fall of ancient republics; Goguet's rise and progress of laws, arts and sciences.

[5] See page 45, Note 2.

[6] In the MSS. the bibliography ends here. The titles and dates of the "late books" are: Montesquieu, "Spirit of laws . . . translated by Mrs. Nugent," 2d edition, 2 vols., London, 1752; Adam Ferguson, "Essays on the history of civil society," London, 1766; by Lord Kames' "political essays" is possibly meant his "Essays upon several subjects in Law," etc., London, 1732; Montesquieu, "Reflections on the causes of the grandeur and declension of the Romans," London, 1734 (Witherspoon library); Edward W. Montagu, "Reflections on the rise and fall of the ancient republicks. Adapted to the present state of Great Britain," London, 1759; A. Y. Goguet, "Origin of laws, arts, and sciences. From the French," 3 vols., Edinburgh, 1761 (Witherspoon library.)

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